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FEDERAL REGISTER

VOLUME 26 NUMBER 211

Washington, Wednesday, November 1, 1961

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Codification Guide

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Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

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Title 3—THE PRESIDENT

Proclamation 3438

THANKSGIVING DAY, 1961

By the President of the United States of America

A Proclamation

"It is a good thing to give thanks unto the Lord."

More than three centuries ago, the Pilgrims, after a year of hardship and peril, humbly and reverently set aside a special day upon which to give thanks to God for their preservation and for the good harvest from the virgin soil upon which they had labored. Grave and unknown dangers remained. Yet by their faith and by their toil they had survived the rigors of the harsh New England winter. Hence they paused in their labors to give thanks for the blessings that had been bestowed upon them by Divine Providence.

This year, as the harvest draws near its close and the year approaches its end, awesome perils again remain to be faced. Yet we have, as in the past, ample reason to be thankful for the abundance of our blessings. We are grateful for the blessings of faith and health and strength and for the imperishable spiritual gifts of love and hope. We give thanks, too, for our freedom as a nation; for the strength of our arms and the faith of our friends; for the beliefs and confidence we share; for our determination to stand firmly for what we believe to be right and to resist mightily what we believe to be base; and for the heritage of liberty bequeathed by our ancestors which we are privileged to preserve for our children and our children's children.

It is right that we should be grateful for the plenty amidst which we live: the productivity of our farms, the output of our factories, the skill of our artisans, and the ingenuity of our inventors. But in the midst of our thanksgiving, let us not be unmindful of the plight of those in many parts of the world to whom hunger is no stranger and the plight of those millions more who live without the blessings of liberty and freedom. With some we are able to share our material abundance through our Food-for-Peace Program and through our support of the United Nations Freedom-from-Hunger Campaign. To all we can offer the sustenance of hope that we shall not fail in our unceasing efforts to make this a peaceful and prosperous world for all mankind.

NOW, THEREFORE I, JOHN F. KENNEDY, President of the United States of America, in consonance with the joint resolution of Congress approved December 26, 1941, which designates the fourth Thursday in November of each year as Thanksgiving Day, do hereby proclaim Thursday, the twenty-third day of November of this year, as a day of national thanksgiving.

I urge all citizens to make this Thanksgiving not merely a holiday from their labors, but rather a day of contemplation. I ask the head of each family to recount to his children the story of the first New England Thanksgiving, thus to impress upon future generations the heritage of this nation born in toil, in danger, in purpose, and in the conviction that right and justice and freedom can through man's efforts persevere and come to fruition with the blessing of God.

Let us observe this day with reverence and with prayer that will rekindle in us the will and show us the way not only to preserve our blessings, but also to extend them to the four corners of the earth. Let us by our example, as well as by our material aid, assist all peoples of all nations who are striving to achieve a better life in freedom.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-seventh day of October in the year of our Lord nineteen hundred and sixty-one, and of the Independence of the United States of America the one hundred and eighty-sixth.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 61-10438; Filed, Oct. 30, 1961; 2:10 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of the Interior

Effective upon publication in the FEDERAL REGISTER, paragragh (e) (1) of § 6.110 is amended as set out below.

§ 6.110 Department of the Interior.

* * * * *

(e) *Office of Territories.* (1) Until December 31, 1962, all positions in Alaska in the Alaska Railroad and four technical positions in the Alaska Railroad Office in Seattle, Washington.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WARREN B. IRONS,
Executive Director.

[F.R. Doc. 61-10394; Filed, Oct. 31, 1961; 8:53 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Commission on Civil Rights

Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 6.160 is amended as set out below.

§ 6.160 Commission on Civil Rights.

(a) Ten positions at grade GS-11 and above to engage in and advise on the collection, study, and appraisal of information developed in accordance with Public Law 85-315. Appointments made under this authority shall be limited to persons having a particular competency in the areas concerned and shall not extend beyond November 9, 1963.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WARREN B. IRONS,
Executive director.

[F.R. Doc. 61-10373; Filed, Oct. 31, 1961; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraph (32) of paragraph (a) of § 6.304 is amended as set out below.

§ 6.304 Department of Defense.

(a) *Office of the Secretary.* * * *

(32) One Deputy Assistant Secretary (Arms Control), Office of the Assistant Secretary of Defense for International Security Affairs.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WARREN B. IRONS,
Executive Director.

[F.R. Doc. 61-10371; Filed, Oct. 31, 1961; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

General Services Administration

Effective upon publication in the FEDERAL REGISTER, the headnote of paragraph (f) of § 6.333 is amended to read *"Transportation and Communications Service."*

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WARREN B. IRONS,
Executive Director.

[F.R. Doc. 61-10372; Filed, Oct. 31, 1961; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 711—MARKETING QUOTA REVIEW REGULATIONS

The regulations contained herein are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.) and govern the review of farm marketing quotas of commodities under section 363 of the act. The purpose of this revision is to reissue the Marketing Quota Review Regulations (25 F.R. 6505, 26 F.R. 7693) with various minor language changes arising out of certain organizational changes in the Department of Agriculture and to make other minor changes. The principal changes are as follows:

(1) References to Commodity Stabilizaton Service are changed to Agricultural Stabilization and Conservation Service, (2) references to State administrative officer are changed to State executive director, (3) citations to other regulations are changed or deleted; (4) reference to particular forms of notice of quota is deleted so that any official written notice of quota will be a basis for review of such quota, and (5) some provisions relating to 1960 only are deleted.

Since these changes are procedural and minor in nature and since the use of Forms MQ-29 and MQ-30 will not occur until release and reapportionment of farm allotments in the Spring of 1962, it is hereby determined that compliance with the notice and public procedure provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this revision shall become effective on January 1, 1962.

GENERAL

AUTHORITY: §§ 711.1 to 711.28 issued under secs. 363-368, 52 Stat. 63, 64, as amended, 375, 52 Stat. 66, as amended; 7 U.S.C. 1363-1368, 1375.

GENERAL

§ 711.1 Effective date.

The Marketing Quota Review Regulations, as amended, (25 F.R. 6505; 26 F.R. 7693) shall remain in effect and shall apply to all actions and proceedings taken prior to January 1, 1962, and such regulations are superseded as of midnight, December 31, 1961. The provisions of §§ 711.1 to 711.28 are effective January 1, 1962.

§ 711.2 Definitions.

As used in §§ 711.1 to 711.28 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

(a) The terms "Secretary," "Deputy Administrator," "State committee," "county committee," "community committee," "State executive director," and "county office manager" as defined in Part 719 of this chapter, as amended, shall apply to the regulations in §§ 711.1 to 711.28.

(b) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto, heretofore or hereafter made.

(c) "Director" means the Director, or Acting Director, of the applicable Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture. The applicable Division shall be the Cotton Division in the case of upland and extra long staple cotton, the Grain Division in the case of rice and wheat, the Oils and Peanut Division in the case of peanuts, and the Tobacco Division in the case of tobacco.

(d) "Quota" means a farm marketing quota established under the act and includes one or more of the following factors: farm acreage allotment, normal yield for the farm, actual production for the farm, farm marketing excess, acreage of the commodity on the farm, determination by the county committee of the land constituting the farm, and with respect to the farm marketing quota for the 1962 crop of wheat the marketing quota exemption acreage.

(e) "Application" means an application for review of a quota under section 363 of the act.

(f) "Review committee" means three farmers appointed by the Secretary as members of a panel to review quotas under section 363 of the act.

(g) "Clerk" means a person designated by the State executive director to serve as clerk to the review committee and such person shall be the county office manager for the county in which the application was filed or an employee of the State office or other employee of the county office.

(h) "County" means a county or parish of a State or any other equivalent subdivision of a State, or area established by the State committee, as for example but not limited to independent cities and the northern and southern areas of Puerto Rico.

(i) "Expiration of time limitation" as set forth in Part 720 of this chapter (24 F.R. 4233) shall apply to the regulations in §§ 711.1 to 711.28.

§ 711.3 Issuance of forms and instructions.

The Deputy Administrator shall issue such forms and instructions with respect to internal management as are necessary for carrying out §§ 711.1 to 711.28. The following general forms, as revised from time to time, are prescribed for use in connection with review hearings:

(a) MQ–53 Application for Review.
(b) MQ–54 Notice of Untimely Filing.
(c) MQ–55 Notice of Insufficiency.
(d) MQ–56 Notice of Hearing.
(e) MQ–57 Order of Dismissal.
(f) MQ–58 Determination of Review Committee.
(g) MQ–59 Oath of Review Committeeman.

§ 711.4 Availability of records.

The clerk shall carefully keep a record of all applications and of all proceedings relating to the review of such applications. Such records shall be available for public inspection at the office of the clerk.

REVIEW COMMITTEE

§ 711.5 Eligibility as member of a panel.

Any farmer who meets the eligibility requirements for county committeeman prescribed in the regulations in Part 7 of Subtitle A of this Title, as amended, in a county within the area of venue for which he is to be appointed shall be eligible for appointment as a member of a review committee panel for such area of venue. If the area of venue consists of only one county or a part of a county, these eligibility requirements must be met in such county or in a nearby county. No farmer whose legal residence is in one State shall be eligible for appointment as a member of a review committee panel for an area of venue in another State.

§ 711.6 Appointment of members of a panel.

The Secretary shall appoint six or more eligible farmers to serve as members of a review committee panel in each area of venue. Notice of appointment shall be sent to the State committee, which shall notify the farmers so appointed and the clerk. Appointments may be made before, during, or after the period in which applications for review of quotas are required to be filed. Notwithstanding the foregoing, the Secretary shall have the continuing power to revoke or suspend any appointment made pursuant to the regulations in this part, and subject to the provisions of the act, to make such other appointment deemed proper.

§ 711.7 Oath of office.

Each farmer appointed to serve as a member of a review committee shall, as soon as possible after appointment, execute an oath of office on such form as may be prescribed by the Deputy Administrator, duly subscribed and sworn to or affirmed before a notary public. No farmer shall serve on a review committee unless such oath of office has been duly executed and filed with the State executive director or the clerk. A farmer appointed for consecutive terms to serve as a member of a review committee shall not be required to file a new oath of office after the original filing. If the form of oath of office prescribed by the Deputy Administrator is materially changed, a new oath of office shall be executed if required by the Deputy Administrator.

§ 711.8 Composition of review committee.

(a) *Three designated members from the panel constitute a review committee.* Three members from the panel shall act as a review committee to hear applications for review for the prescribed area of venue. The State executive director shall designate from the panel of members for the prescribed area of venue three members who shall act as a review committee to hear specific applications and shall designate one of these three members as chairman of the review committee and another member as vice-chairman. Where the number of applications pending require two or more review committees for prompt disposition of such applications, the State executive director shall designate the members of each review committee, the chairman and vice-chairman thereof, and the specific applications to be heard by each review committee. Two or more review committees may hear applications concurrently in an area of venue. In the absence of the chairman, the vice-chairman shall perform the duties and exercise the powers of the chairman. The State executive director shall notify members of each review committee of the schedule of hearings. No member shall serve in any case in which a quota will be reviewed for a farm in which such member, any of his relatives or business associates is interested, nor shall any member serve where he had acted as State, county, or community committee member on a quota to be reviewed by the review committee.

(b) *Only two members present to commence hearing.* Where only two members of a review committee are present to commence a hearing, although three members were scheduled to hear the application, at the request of or with the consent of the applicant in writing, a hearing conducted by two members of the review committee shall be deemed to be a regular hearing of the review committee as to such application. The determination made by such members shall constitute the determination of the review committee. In the event such members cannot agree upon a determination, such fact shall be set forth in writing and a new hearing scheduled by the State executive director. If the applicant does not consent in writing to a hearing conducted by two members of the review committee, the hearing shall be rescheduled.

(c) *Only two members remain to complete a hearing.* Where only two members of a review committee remain to complete a hearing commenced with three members, due to serious illness, death, or other cause which prevents one of the members from completing the hearing within a reasonable time, at the request or with the consent of the applicant in writing, the remaining two members of the review committee shall henceforth constitute an entire review committee for the purpose of such hearing. In the event such members cannot agree upon a determination, such fact shall be set forth in writing and a new hearing scheduled by the State executive director. If the applicant does not consent in writing to completion of the hearing by two members of the review committee, the hearing shall be rescheduled.

(d) *Reopened or remanded hearings.* In the case of a reopened or remanded hearing, if any member of the review committee is no longer in office because of death, resignation, or ineligibility, the State executive director shall designate another member of the review committee panel to serve on the review committee. If a hearing held pursuant to paragraph (b) or (c) of this section is reopened or remanded and only one review committee member is available to hear such reopened or remanded hearing, the State executive director shall designate two additional members from the review committee panel to serve on the review committee.

§ 711.9 Term of office.

Appointment as a member of a review committee panel shall be for a term of one calendar year. A member may be reappointed for succeeding terms. Notwithstanding the foregoing, a review, committee shall continue in office to conclude hearings before it which are begun during such year and make final determinations thereof, or to hold a reopened hearing, or to conclude a hearing remanded to it by a court.

§ 711.10 Compensation.

The members designated as review committeemen shall receive compensation when serving at the same rate as that received by the members of the county committee which established the quotas sought to be reviewed. No member of a review committee shall be entitled to receive compensation for services as such member for more than thirty days in any one year. Payment of compensation, reimbursement for travel expenses and rates therefor, shall be made under such conditions as may be prescribed by the Deputy Administrator.

§ 711.11 Effect of change in composition of review committee.

Nothing contained in §§ 711.5 to 711.10 relating to any vacancy or revocation or suspension of appointment and nothing done pursuant thereto shall be construed as affecting the validity of any prior hearing conducted or determination made in accordance with the regulations in this part, in which the member of the review committee whose office has become vacant participated, or as affecting in any way court proceeding which may be instituted to review such determination.

JURISDICTION

§ 711.12 Area of venue and jurisdiction.

An area of venue for a review committee shall be established by the State committee taking into consideration the requirement of section 363 of the act that review committee members must be from the county in which the quota was established or from nearby counties, the prompt handling of applications for review, transportation problems and the limit of 30-day service by review committeemen in any one year. An area of venue may consist of all or part of a county, or more than one county within a State. A review committee shall have jurisdiction to hear timely filed applications respecting quotas established or denied by official written notice for farms within its area of venue. In all cases, the review committee shall consider only such matters as, under applicable provisions of the act and regulations of the Secretary, are required or permitted to be considered by the county committee in the establishment of the quota sought to be reviewed.

APPLICATION FOR REVIEW OF QUOTA

§ 711.13 Manner and time of filing.

Any farmer who is dissatisfied with his quota may, within fifteen days after the date of mailing to him of notice of such quota, file a written application for review thereof by the review committee. Such review may include any of the factors applicable to the quota as defined in § 711.2(d): *Provided, however,* That any determination of the county committee, such as the farm acreage allotment, which has previously been reviewed by a review committee and has become final, shall not be reconsidered in a subsequent review proceeding. Unless application for review is made within such period, the original determination of the quota shall be final. An application shall be in writing and addressed to, and filed with, the county office manager for the county from which the notice of quota was received. Any application (Form MQ–53 available on request) whether made on Form MQ–53 or not, shall contain the following:

(a) Date of application and commodity (including type where applicable, e.g. upland cotton, flue-cured tobacco).

(b) Correct full name and address of applicant.

(c) Brief statement of each ground upon which the application is based.

(d) A statement of the amount of quota which it is claimed should have been established.

(e) Signature of applicant.

§ 711.14 Examination by county committee.

As soon as practicable, the county committee and county office manager shall examine the applications and the following action shall be taken:

(a) If the application is not filed within the prescribed 15-day period the county office manager shall send a notice of untimely filing on Form MQ–54 by certified mail to the applicant at the address shown on the application;

(b) If the increase, adjustment or other determination requested in the application is found to be proper in whole or in part, the county committee shall notify the applicant thereof and, upon withdrawal of the application by the applicant, shall revise the quota within the limits of the act and the regulations for the commodity and mail a notice of revised quota to the applicant. Where any such adjustment is approved as provided in the applicable regulations for the commodity, a charge of the amount so approved, but not to exceed the amount approved by the review committee if the application is not withdrawn, shall be made against applicable available reserve acreages;

(c) If the application does not contain substantially the information required under § 711.13, the county office manager shall send a notice of insufficiency on Form MQ–55 by certified mail to the applicant at the address shown on the application. The applicant may file an amended application within 15 days from the date of mailing the notice of insufficiency;

(d) All applications which are not withdrawn by the applicant and which are not disposed of under paragraphs (a) to (c) of this section shall be listed and a report thereof sent to the State executive director with a request that hearings be scheduled. The county committee, in each case scheduled for a hearing on the merits, shall prepare a written answer to the application setting forth all of the pertinent facts relating to the case, pointing out the provisions of applicable regulations under which the quota being reviewed was established, explaining the data used, how the quota was established, pointing out why the quota should not be revised, if such be the case, and any other matters deemed pertinent. The answer shall set forth the foregoing so as to include all the issues of fact which are known to be in dispute. In each case scheduled for a hearing under § 711.19(b), the county committee shall prepare an appropriate written answer.

§ 711.15 Withdrawal of applications.

An application may be withdrawn upon the written request of the applicant. Any application so withdrawn shall be endorsed by the clerk "Dismissed at the request of the applicant."

§ 711.16 Amendments.

Upon due request, and within the discretion of the review committee, the right to amend the application and all procedural documents in connection with any hearing, shall be granted upon such reasonable terms as the review committee may deem right and proper.

HEARING AND DETERMINATION

§ 711.17 Place and schedule of hearing.

The place of hearing shall be in the office of the county committee through which the quota sought to be reviewed was established, or such other appropriate place in the county as may be designated by the State executive director or by the review committee in cases arising under § 711.20: *Provided, however,* That the place of hearing may be in some other county if agreed to in writing by the applicant. The State executive director shall schedule applications for hearings and forward such schedule to the clerk.

§ 711.18 Notice of hearing.

The clerk shall give written notice on Form MQ–56 to the applicant by depositing such notice in the United States mail, certified and addressed to the last known address of the applicant at least ten days prior to the time appointed for the hearing and copies of such notice shall also be sent to the county committee and the State office. If the applicant requests waiver of such ten day period, the hearing may be scheduled earlier upon consent of the other interested

parties. The notice of the hearing shall specify the time and place of the hearing, contain a statement of the statutory authority for the hearing, state that the application will be heard by the review committee duly appointed for the area of venue in which the applicant's farm is located, and that a verbatim transcript may be obtained by the applicant if he makes arrangement therefor before the hearing and pays the expense thereof.

§ 711.19 Order of dismissal.

(a) *Review committee examination of notices of insufficiency and untimely filing.* The review committee shall examine each application where a notice of insufficiency or untimely filing was sent. If it concurs in the action taken by the county office manager, an order of dismissal on Form M2–57 shall be issued, as provided in § 711.24. If it does not concur, the State executive director shall be advised and shall schedule a hearing.

(b) *Hearing on isuses of timely filing, sufficiency of application, or failure to appear at a scheduled hearing.* The applicant may file a written request for a hearing on issues of timely filing, sufficiency of the application, or failure to appear at a scheduled hearing, with the clerk within 15 days after the date of mailing of the order of dismissal giving the reasons why he believes a hearing should be held and the State executive director shall schedule a hearing as to such issues. Such hearing shall also include a determination on the merits of any application found to be timely filed and sufficient, and, where applicable, the applicant shows that with the exercise of due diligence he was unable to appear at his scheduled hearing.

§ 711.20 Continuances.

Hearings shall be held at the time and place set forth in the notice of hearing or in any subsequent notice amending or superseding the prior notice, but may without notice other than an announcement at the hearing by the chairman of the review committee, be continued from day to day or adjourned to a different place in the county or to a later date or to a date and place to be fixed in a subsequent notice to be issued pursuant to § 711.18. In the event a full committee of three is not present, those members present, or in the absence of the entire committee, the clerk, shall postpone the hearing unless the hearing is held pursuant to § 711.8 (b) or (c). There shall not be a continuance for lack of a full committee in the case of a reopened or remanded hearing where the hearing was initially held pursuant to § 711.8 (b) or (c) and the two review committeemen who previously held the hearing are present and eligible to serve.

§ 711.21 Conduct of hearing.

(a) *Open to public.* Except as otherwise provided in §§ 711.1 to 711.28, each hearing shall take place before the entire review committee and shall be presided over by the chairman of such committee. The hearing shall be open to the public and shall be conducted in a fair and impartial manner and in such a way as to afford the applicant, members of the appropriate county and community committees, and appropriate officers and agents of the Department of Agriculture, and all persons appearing on behalf of such parties, reasonable opportunity to give and produce evidence relevant to the quota being reviewed.

(b) *Consolidation of hearings.* Wherever practicable, two or more applications relating to the same commodity and the same farm shall be consolidated by the review committee on its own motion or at the request of the State executive director and heard at the same time on the same record.

(c) *Representation.* The applicant and the Secretary may be represented at the hearing. The county committee shall be present or represented at the hearing.

(d) *Order of procedure.* At the commencement of the hearing, the chairman of the review committee shall read or cause to be read the pertinent portions of the application for review. The written answer of the county committee shall be submitted and shall be made a part of the record of the hearing. If the applicant asserts and shows to the satisfaction of the review committee that he has not been informed of the county committee's position in time to afford him adequate opportunity to prepare and present his case, the review committee shall continue the hearing, without notice other than announcement thereof at the hearing, for such period of time as will afford the applicant reasonable opportunity to meet the issues of fact and law involved. After answer by the county committee and following such continuance, if any, as may be granted by the review committee, evidence shall be received with respect to the matters relevant to the quota under review in such order as the chairman of the review committee shall prescribe. The review committee may take official notice of relevant publications of the Department of Agriculture and regulations of the Secretary.

(e) *Submission of evidence.* The burden of proof shall be upon the applicant as to all issues of fact raised by him. Each witness shall testify under oath or affirmation. The review committee shall confines the evidence to pertinent matters and shall exclude irrelevant, immaterial, or unduly repitious evidence. Interested persons shall be permitted to present oral and documentary evidence, to submit rebuttal exidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The hearing shall be concluded within such reasonable time as may be determined by the reivew committee.

(f) *Transcript of testimony.* The review committee shall provide for the taking of such notes including but not limited to stenographic reports or recordings at the hearing as will enable it to make a summary of the proceedings and the testimony received at the hearing. The testimony received at the hearing shall be reported verbatim and a transcript thereof made if (1) the applicant requests such transcript prior to the time the hearing begins and provides for its preparation and for the payment of the expense thereof, or (2) the State committee representative requests that such transcript be made and provides therefor. Immediately upon the completion of any such verbatim transcript, three legible copies thereof shall be furnished to the review commitee and one copy shall be furnished to the State office without charge. The clerk shall certify that the summary of the testimony or the verbatim transcript is accurate to the best of his knowledge and belief.

(g) *Written arguments and proposed findings.* The review committee shall permit the applicant, the members of the appropriate county and community committees, and appropriate officers and agents of the Department of Agriculture to file written arguments and proposed findings of fact and conclusions, based on the evidence adduced at the hearing, for the consideration of the review committee within such reasonable time after the conclusion of the hearing as may be prescribed by the review committee. Such written arguments and proposed findings shall be filed in triplicate with the clerk and an additional copy thereof shall be provided to the other party.

§ 711.22 Nonappearance of applicant.

(a) If, at the time of the hearing, the applicant is absent and no appearance is made on his behalf, the review committee shall, after a lapse of such period of time as it may consider proper and reasonable, have the name of the absent applicant called in the hearing room. If, upon such call, there is no response, and no appearance on behalf of such applicant and no continuance has been requested by the applicant, the review committee shall thereupon close the hearing as to such applicant, and, without further proceedings in the case, make an order dismissing the application.

(b) If, at a hearing which is reopened pursuant to § 711.25 or remanded by a court, the applicant is absent and no appearance is made on his behalf, the review committee shall continue the hearing for a reasonable period of time and if the applicant does not appear at such continued hearing, the review committee shall make a determination on Form MQ–58.

§ 711.23 Determination by review committee.

As soon as practicable after hearing on an application, including a hearing on an order of dismissal, the review committee shall make a determination upon the application. If it is determined by the review committee that the application should be denied, the review committee shall so indicate. If it is determined that the application should be granted in whole or in part, the review committee shall establish the quota which it finds to be proper. Each determination made by the review committee shall be in writing, shall contain specific findings of fact and conclusions, together with the reasons or basis therefor, and shall be based upon and made in accordance with reliable, probative, and substantial evidence adduced at the hearing. The

concurrence of two members of the review committee shall be sufficient to make a determination. The written determination shall contain such subscription by each member of the review committee as will indicate his concurrence therein or his dissent therefrom. In case of an increase in the quota, the review committee shall specifically state in the determination in what respect, if any, the county committee has failed properly to apply the act and regulations of the Secretary thereunder . If such increase is based upon evidence not available to the county committee, the findings of the review committee shall so indicate. The appropriate county office manager shall make available to the review committee such clerical and stenographic assistance as may be required.

§ 711.24 Service of determination.

A copy of the determination or of any order dismissing the application, certified by the clerk as a true and correct copy of the signed original, shall be served upon the applicant by sending the same by certified mail addressed to the applicant at his last known address. The copy of the determination or order shall contain at the top thereof substantially the following statement: "To all persons who, as operator, landlord, tenant, or sharechopper, are or will be interested in the above-named commodity on the above-identified farm in the year for which the marketing quota being reviewed is established" and such statement shall constitute notice to all such persons. The clerk shall make a notation on the original determination or order of the date and place of such mailing. The clerk forthwith shall forward two copies of such determination or order to the State office, and one copy to the county committee. The determination of the review committee does not become final until the maximum period for reopening of hearing under § 711.25 has expired without any reopening; or if reopened thereunder, such determination becomes final upon issuance of a new determination pursuant to the reopened hearing, subject to further appeal to a court by the applicant.

§ 711.25 Reopening of hearing.

(a) *Upon motion of review committee.* Upon its own motion within fifteen days from the date of mailing to the applicant of a copy of the determination of the review committee on Form MQ–58 the review committee may reopen a hearing for the purpose of taking additional evidence or of adding any relevant matter or document.

(b) *Upon written request based on new evidence.* Upon written request by the applicant, the county committee, or other interested parties, to the review committee within fifteen days from the date of mailing to the applicant of a copy of the determination of the review committee on Form MQ–58, the review committee shall reopen the hearing for the purpose of taking additional evidence or of adding any relevant matter or document if such evidence or documents constitute new evidence not available to the parties at the time of the hearing.

(c) *Upon written notice by the Secretary.* Upon written notice by the Secretary or on his behalf by the Deputy Administrator to the review committee within forty-five days from the date of mailing to the applicant of a copy of the determination of the review committee on Form MQ–58, the hearing shall be deemed reopened and the State executive director shall schedule the reopened hearing.

(d) *Schedule of reopened hearing.* Schedule of and notice of any reopened hearing shall follow the requirements of §§ 711.17 and 711.18 insofar as practicable. Notwithstanding the provisions of paragraphs (a), (b), and (c) of this section, no hearing shall be reopened after an appeal to a court pursuant to section 365 of the act has been timely filed by the applicant. No special hearing to contest a reopening of a hearing shall be scheduled; however, the applicant may present evidence and arguments to contest the reopening when the reopened hearing is held.

§ 711.26 Record of hearing.

The record of the proceedings shall be prepared by the clerk and shall consist of the following:

(a) All procedural documents in the case under review, including the application and written notices of quota and hearing and any other written notice in connection with the application.

(b) Copies of such pertinent proclamations, announcements, general regulations, regulations in this part, and apportionments, national, State, or county, issued by the Secretary in respect to the quota in question, as may be presented at the hearing by or on behalf of the Secretary.

(c) The answer of the county committee to the allegations contained in the application.

(d) The summary of the proceedings and the testimony prepared by the review committee if a verbatim transcript is not made, or a transcript of the testimony where a verbatim transcript is made, in accordance with § 711.21(f), to which shall be annexed any documentary evidence received at the hearing.

(e) Any written arguments or proposed findings of fact and conclusions filed in connection with the hearing.

(f) The written determination of the review committee.

(g) A list of all papers included in the record and a certificate by the clerk stating that such record is true, correct, and complete.

Any interested person desiring a copy of the record or any part thereof shall be entitled to same upon application to the clerk and upon payment of the actual cost of supplying such copy.

COURT PROCEEDINGS

§ 711.27 Procedure in the case of court proceedings.

Upon the institution of any suit against the review committee for the purpose of reviewing its determination upon any application for review, the review committee is required by section 365 of the act to certify and file in court a transcript of the record upon which the determination was made, together with the findings of fact made by the review committee. Any suit for review is required to be instituted by the applicant within fifteen days after a notice of the review committee's determination is mailed to him. Such suit may be instituted in the United States District Court or in any court of record of the State having general jurisdiction, sitting in the county or the district in which the applicant's farm is located. The bill of complaint in such proceeding may be served by delivering a copy thereof to any member of the review committee. Any member of the review committee served with papers in such suit shall immediately forward such papers to the clerk. No member of the review committee shall appear or permit any appearance in his behalf or in behalf of the review committee, or take any action in respect to the defense of such suit, except in accordance with the instructions from or on behalf of the Secretary.

PUERTO RICO

§ 711.28 Special provisions applicable to Puerto Rico.

Notwithstanding the provisions of §§ 711.1 to 711.27, the Caribbean Area Agricultural Stabilization and Conservation Committee (hereinafter referred to as the "ASC Committee") shall perform, insofar as applicable, the duties and assume such responsibilities and be subject to the limitations as are otherwise required of State and county committees except as provided herein. The Director, Caribbean Area ASCS office, shall recommend members of the review committee panel, the areas of venue, and perform the functions of the State executive director. Any farmer who is eligible to vote in a referendum for which a quota has been proclaimed shall be eligible for appointment as a member of a review committee panel. The clerk shall be the ASC district supervisor of the district in which the review committee will hold its hearings. Where it is impractical or impossible to use the United States mail to serve the applicant with notice of hearing or determination or order, use shall be made of such other method of service as is available. However, when such other method is used, the ASC Committee shall make provision for keeping an accurate record of the date and method of delivery to the applicant.

Effective date: January 1, 1962.

Signed at Washington, D.C. on October 27, 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61–10408; Filed, Oct. 31, 1961; 8:55 a.m.]

[Referendum Bulletin, Amdt. 5]

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

Miscellaneous Amendments

The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended, (52

Stat. 31, as amended; 7 U.S.C. 1281 et. seq.) for the purpose of amending § 717.1(h) to clarify the term "engaged in the production" and § 717.3(a) (1), (2), (3), (5), and (6) to clarify specific requirements for eligibility to vote in a referendum on marketing quotas contained in §§ 717.1 to 717.14, (23 F.R. 3432, 7285; 25 F.R. 5907; 26 F.R. 7258, 7693). Prior to preparing this amendment, public notice (26 F.R. 9513) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data, views and recommendations pertaining to this amendment which were submitted pursuant to such notice have been duly considered.

Section 717.1 is hereby amended by changing paragraph (h) to read:

(h) *Engaged in the production.* The term "engaged in the production" shall include planting a crop even though the crop is not harvested if such failure to harvest is not caused by the neglect of the farmer. In addition,

(1) Each person who shared in the crop, or proceeds of the crop, actually produced on the farm during the year immediately preceding the first crop year for which the referendum is held, as owner-operator, cash tenant, landlord of a share tenant, share tenant (including, in the case of rice, an irrigation company furnishing water for a share of the crop), or sharecropper and,

(2) Each person who was either the owner or was the operator of a farm for which an acreage allotment of a commodity was established for the year immediately preceding the first crop year for which the referendum is held, but on which no such crop was produced, shall be deemed to be a farmer engaged in the production of the commodity in such year to the extent of the acreage of the commodity deemed to be devoted to such commodity for history purposes under applicable provisions of law in which he would have shared if the allotment crop for such commodity had been produced.

Section 717.3(a) (1), (2), (3), (5), and (6) are hereby amended by withdrawing the present content therein and made to read as follows:

(1) *Upland cotton.* Farmers eligible to vote in a referendum with respect to upland cotton shall be those farmers who were engaged in the production of upland cotton in the calendar year in which the referendum is held. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible. Any farmer whose only cotton production in such year consisted of extra long staple cotton, shall not be eligible to vote in the upland cotton referendum, but, if otherwise eligible, may vote in the extra long staple cotton referendum.

(2) *Extra long staple cotton.* Farmers eligible to vote in a referendum with respect to extra long staple cotton shall be those farmers who were engaged in the production of extra long staple cotton in the calendar year in which the referendum is held. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible. Any farmer whose only cotton production in such year consisted of upland cotton shall not be eligible to vote in an extra long staple cotton referendum, but, if otherwise eligible, may vote in the upland cotton referendum.

(3) *Tobacco.* Farmers eligible to vote in a referendum with respect to a particular kind of tobacco will be those farmers who were engaged in the production of the crop of the kind of tobacco with respect to which the referendum is held which is harvested immediately prior to the referendum. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible.

* * * * *

(5) *Rice.* Farmers eligible to vote in a referendum with respect to rice will be those farmers who, in the continental United States and with respect to the crop of rice harvested immediately preceding the date of the referendum, engaged in the production of irrigated rice, or engaged in the production of more than three acres of non-irrigated rice on a farm. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible. A person who obtained a rice allotment with respect to the crop of rice harvested immediately prior to the referendum as a new producer under applicable regulations and did not plant any of such rice allotment shall not be eligible.

(6) *Peanuts.* Farmers eligible to vote in a referendum with respect to peanuts will be those farmers who were engaged in the production of more than one acre of peanuts for nuts on a farm in the calendar year in which the referendum is held. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible.

(Secs. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375)

Effective date: Thirty days after publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 27, 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-10409; Filed, Oct. 31, 1961; 8:55 a.m.]

[Amdt. 11]

PART 729—PEANUTS

Allotment and Marketing Quota Regulations for Peanuts of 1959 and Subsequent Crops

I. *Basis and purpose.* (a) The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), for the purpose of revising several sections of the Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops (23 F.R. 8515, 24 F.R. 2677, 6803, 9611; 25 F.R. 897, 8065, 10567; 26 F.R. 1344, 2523, 4631, 8560). The amendment (1) expands the definition of "buyer" to include a person who receives peanuts as collateral for or in settlement of a price support loan, (2) restates the definition of "farm peanut history acreage" for clarification and to delete provisions incorporated in Part 719 of this chapter (26 F.R. 7324) (3) expands the definition of "market" to make it clear that peanuts are considered marketed when they are delivered to the buyer or as collateral for or in settlement of a price support loan, (4) clarifies the definitions of "new farm" and "old farm", (5) amends § 729.1011(ff) by adding a sentence reading "The title State Administrative Officer as used herein shall have the same meaning as State Executive Director", (6) expands § 729.1012, as amended, to include a rule of fractions to be used in the determination of the support price per pound for each type of peanuts, (7) revises § 729.1015 for clarification and to delete provisions relative to the establishment of farm allotments of one acre or less which will be incorporated in § 729.1017, as amended, (8) deletes references to 1958 and prior years in § 729.1016, as amended, as such years are no longer in the base period and revises the same section to provide that farm peanut history acreage may be increased because of abnormal conditions affecting acreage to the smaller of the planted acreage or the farm allotment, (9) deletes from § 729.1017, as amended, the reference to Amendment 10 to the Farm Constitution and Allotment Record Regulations (26 F.R. 1262) because reserve acreage is no longer required for adjustments under such amendment, (10) revises § 729.1018 to make it clear data for farms for which it is obvious that the farm allotment would be one acre or less is not to be included in the determination of the State allotment factor, (11) amends § 729.1020 to provide that the determination of county normal yields shall be approved by the Administrator, (12) changes the condition of eligibility for a new farm allotment contained in § 729.1021, as amended, which requires that the farm operator be largely dependent on the farm for his livelihood to require that he obtain more than 50 percent of his income from the production of agricultural commodities or products from the farm for which the new farm allotment is requested, (13) revises § 729.1024, as amended, (a) to provide a more specific procedure under which acreage may be released to the county committee and reapportioned to other farms, and (b) to publish closing dates for such release and reapportionment, and (14) revises § 729.1027, as amended, to provide for use of additional forms as a notice of farm acreage allotment.

(b) Public notice of intention to so amend these regulations was given (26 F.R. 8565) in accordance with the Administrative Procedure Act (5 U.S.C. 1001–1011). Due consideration has been given to recommendations submitted in response to such notice prior to the publication of this amendment.

(c) Some of the provisions of this amendment affect the determination of farm peanut allotments for 1962. Because the determination of such farm allotments is now in progress it is hereby determined and found that compliance with the effective date requirement of the Administrative Procedure Act (5 U.S.C. 1001–1011) is impractical and

contrary to the public interest. Therefore, this amendment shall be effective upon publication in the FEDERAL REGISTER.

II. The Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops, as amended, are hereby amended as follows:

A. Paragraphs (d), (l), (o), (r), (s), and (t) of § 729.1011 as amended, are amended to read as follows:

§ 729.1011 Definitions.

* * * * *

(d) "Buyer" means a person who:

(1) Buys or otherwise acquires peanuts in any form from a producer or who buys or otherwise acquires farmers stock peanuts from any person; or

(2) Markets, as a commission merchant, broker, or cooperative any peanuts for the account of a producer and is responsible to the producer for the amount received for the peanuts; or

(3) Receives peanuts as collateral for or in settlement of a price support loan.

* * * * *

(l) "Farm peanut history acreage" for a farm for any year means the acreage which is considered as devoted to peanuts on the farm for purposes of establishing future allotments.

(1) *Maximum history acreage.* The farm peanut history acreage for any year shall not exceed the farm peanut allotment for such year. The production of peanuts without an allotment but within the one acre exemption provided by section 359(b) of the Act shall not constitute farm peanut history acreage.

(2) *Full allotment preserved as history acreage.* For any year the entire farm peanut allotment shall be preserved as peanut history acreage if the provisions of either § 719.12(d) or § 719.14 of this chapter, relating to allotments pooled for farms acquired by an agency having the right of eminent domain and the preservation of allotment history acreage under the provisions of section 377 of the Act, so provide.

(3) *Computation of history acreage.* If the full allotment is not preserved as history acreage as specified in subparagraph (2) of this paragraph the farm peanut history acreage shall be the sum of the following acreages:

(i) The final acreage, adjusted to compensate for abnormal conditions affecting acreage if the county committee determines that such action is necessary to maintain equitable allotments.

(ii) The acreage diverted from the production of peanuts under provisions of the Soil Bank Act or the Great Plains Program, determined pursuant to § 719.13 of this chapter;

(iii) The acreage temporarily released to the county committee under provisions of § 729.1024; and,

(iv) The amount of any reduction in the current year allotment made pursuant to the provisions of § 729.1023.

(4) *Reduction of previously determined history.* Notwithstanding any other provisions of this Part and subject only to any limitation imposed by the provisions of section 377 of the Act, the peanut history acreage for each year of the base period shall be zero unless in one or more years of the base period there is acreage in the peanut history acreage of a kind other than acreage released to the county committee or acreage reduction(s) for the violation of marketing quota regulations.

* * * * *

(o) "Market" means to dispose of peanuts including farmers stock peanuts, shelled peanuts, cleaned peanuts, or peanuts in processed form by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. The terms "marketed", "marketing", and "for market" shall have corresponding meanings to the term "market" in the connection in which they are used. The terms "barter" and "exchange" shall include the payment by the producer of any quantity of peanuts for the harvesting, picking, threshing, cleaning, crushing, or shelling of peanuts, or for any other service rendered to him by anyone. Any lot of farmers stock peanuts will be considered as marketed when delivered by the producer to the buyer pursuant to either an oral or a written sales agreement. Peanuts which are delivered by the producer as collateral for or in settlement of a price support loan will be considered as marketed at the time of delivery.

* * * * *

(r) "New farm" means a farm which cannot be considered an "old farm" under these regulations. A new farm will be eligible for an allotment only if it meets the requirements prescribed in § 729.1021.

(s) "Offices":

(1) "ASCS County Office" means the office of the Agricultural Stabilization and Conservation county committee.

(2) "ASCS State Office" means the office of the Agricultural Stabilization and Conservation State committee. The addresses of the ASCS State offices of the peanut-producing States are:

Old Post Office Building, Montgomery, Ala.
230 North First Avenue, Phoenix 25, Ariz.
387 Federal Office Building, P.O. Box 2781, Little Rock, Ark.
2020 Milvia Street, Berkeley 4, Calif.
412 Northeast 16th Avenue, Gainesville, Fla.
Old Post Office Building, P.O. Box 1552, Athens, Ga.
528 Monroe St., Alexandria, La.
P.O. Box 1251, 420 Milner Building, 200 South Lamar Street, Jackson 5, Miss.
I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo.
517 Gold Avenue SW., P.O. Box 1706, Albuquerque, N. Mex.
State College Station, Raleigh, N.C.
Agricultural Center Office Building, Stillwater, Okla.
P.O. Box 660, Associates Building, Seventh Floor, 901 Sumter Street, Columbia 1, S.C.
Room 579, U.S. Courthouse, Nashville 3, Tenn.
USDA Building, College Station, Tex.
900 North Lombardy Street, Richmond 20, Va.

(t) "Old farm" means a farm for which a peanut allotment was established for one or more years of the base period or which was eligible for an allotment as an "old farm" in one or more years of the base period and for which the farm peanut history acreage, determined pursuant to § 729.1011(1), for one or more years of the base period is any acreage other than zero.

B. Section 729.1011, as amended, is further amended by inserting in paragraph (ff) the definition "State Executive Director" to replace the definition "State Administrative Officer" and by adding a new paragraph (ii) as follows:

(ff) The following words and phrases have the meanings assigned to them in the regulations contained in Part 719 of this chapter: "Combination", "Community Committee", "County Committee", "State Committee", "County Office Manager", "Cropland", "Deputy Administrator", "Division", "Farm", "Operator", "Person", "Reconstitution", "Secretary", and "State Executive Director". The title "State Administrative Officer" as used herein shall have the same meanings as the title "State Executive Director".

* * * * *

(ii) "Dryer operator" means a person who processes farmers stock peanuts for a producer by removal of moisture by artificial means.

C. Section 729.1012, as amended, is amended by adding a new paragraph (g) to read as follows:

§ 729.1012 Extent of calculations and rule of fractions.

* * * * *

(g) The support price per pound for each type of peanuts, for purposes of computing liquidated damages in cases involving violation of an agreement signed pursuant to § 729.1054, shall be expressed in cents and tenths of a cent and shall be rounded.

D. Sections 729.1015, 729.1016, and 729.1017, as amended, and 729.1018 are amended to read as follows:

§ 729.1015 Basis of farm allotment.

(a) A farm allotment shall be determined for each old farm on the basis of the following factors as hereinafter applied: past acreage of peanuts, taking into consideration the acreage allotments previously established for the farm; abnormal conditions affecting acreage; the farm peanut history acreages for the base period; land, labor, and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts on the farm.

(b) Any acreage of peanuts harvested in excess of the farm allotment, any acreage of peanuts harvested as the result of allotment acreage reapportioned to the farm under provisions of § 729.1024, and any acreage of peanuts harvested as a result of any increase in allotment for peanuts of a type determined to be in short supply shall not be considered in the establishment of the allotment for the farm in succeeding years. The production of peanuts on a farm in 1959 or any subsequent year for which no farm acreage allotment was established shall not make the farm eligible for an allotment as an old farm.

§ 729.1016 Determination of Adjusted Acreage.

(a) For each old farm the county committee shall determine an adjusted acreage to be used as the basis for a farm allotment for the current year. Adjusted acreages shall be determined as provided below:

(1) The county committee shall examine the farm peanut history acreage for the preceding year and if abnormal conditions caused such acreage to be low, the farm peanut history acreage shall be increased to compensate for any reduction in the acreage resulting from such abnormal conditions. The acreage as so increased shall not exceed the smaller of the planted acreage or the farm allotment.

(2) If a farm allotment was not established for the preceding year for a farm which was eligible to receive an allotment for such year, the county committee shall determine an acreage for the farm which shall be considered the preceding year farm allotment for purposes of establishing an adjusted acreage for the farm. Such acreage shall be established in accordance with the marketing quota regulations applicable to the crop of peanuts produced in the preceding year.

(3) For each farm the county committee shall compare the preceding year farm peanut history acreage with the farm allotment established for such year, and if the farm peanut history acreage is less than 75 percent of the farm allotment, determine the average of the farm peanut allotment and the farm peanut history acreage for the preceding year. The average so determined shall be considered the adjusted acreage for the farm for the purpose of determining the farm allotment for the current year.

(4) The county committee shall examine the preceding year farm allotment for each farm after adjustments, if any, have been made under subparagraph (3) of this paragraph and may adjust such allotment downward if it determines that such action is necessary to obtain an adjusted acreage for the farm which is equitable when compared with the adjusted acreages established for other similar old farms in the community. If a downward adjustment is made, the adjusted acreage for the farm shall be not less than the smaller of (i) the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor, or (ii) the average peanut history acreage for the farm for the three years of the base period.

(5) An acreage not in excess of 10 percent of the preceding year State peanut acreage allotment may be made available to the county committees by the State committee for making upward adjustments. The county committee shall examine the preceding year farm allotment for each farm and may adjust such allotment upward if it determines that such action is necessary to obtain an adjusted acreage for the farm which is equitable when compared with the adjusted acreage established for other similar old farms in the community. Upward adjustments shall be made on the basis of the farm peanut history acreages for the base period; tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and soil, and other physical factors affecting the production of peanuts. The county committee may use the sum of the downward adjustments made in accordance with subparagraph (4) of this paragraph in addition to the acreage available under this subparagraph for making upward adjustments. If an upward adjustment is made, the adjusted acreage for the farm shall not exceed the larger of (i) the result obtained by multiplying the tillable acreage available on the farm by the tillable acreage factor, or (ii) the largest farm peanut history acreage for the farm for any year of the base period: *Provided, however,* That such limitation may be waived with prior approval of a representative of the State committee.

(6) The adjusted acreage for each old farm in the county shall be the preceding year farm allotment plus or minus any upward or downward adjustment made pursuant to subparagraps (3), (4), and (5) of this paragraph.

(b) The adjusted acreage determined for the farm in accordance with the foregoing provisions of this section shall not exceed the tillable acreage available on the farm.

§ 729.1017 Reserve for late allotments, corrections, and missed farms.

The county committee shall estimate the acreage that will be needed in the county as a reserve (a) for subsequent establishment of allotments for old farms which are entitled to an allotment of one acre or less when either of the following conditions exist: (1) The measured acreage of peanuts on the farm determined pursuant to § 729.1040 is in excess of one acre, or (2) the measured acreage of peanuts so determined for the farm is one acre or less and the producers who share in the peanuts on the farm also share in the peanuts produced on another farm, (b) for the correction of errors in farm allotments, and (c) to establish allotments for missed farms. The reserve estimated by the county committee to be needed for such purposes shall be subject to adjustment by the State committee and shall be held as a State reserve.

§ 729.1018 Allotments for old farms.

(a) The farm allotment for each old farm shall be calculated by multiplying the adjusted acreage (determined pursuant to § 729.1016) for each such old farm by a State allotment factor determined by dividing the total of the adjusted acreages for all old farms in the State into the current year State peanut acreage allotment (minus the acreage reserve determined pursuant to § 729.1017).

(b) Notwithstanding paragraph (a) of this section, an allotment shall not be established initially for any farm for which it is obvious that the result which would be obtained by multiplying the adjusted acreage (determined pursuant to § 729.1016) by the State allotment factor would be one acre or less. The adjusted acreage for any such farm shall not be included in the State total of adjusted acreages determined under provisions of paragraph (a) of this section for purposes of computing the State allotment factor.

E. Section 729.1020(a) is amended to read as follows:

§ 729.1020 Normal yields.

(a) *County.* Each year the State committee shall determine a county normal yield for each peanut-producing county. The normal yield for any county shall be the average yield per acre of peanuts for the county, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any year in the five-year period, production data are not available, or there was no actual yield, an appraised yield for such year shall be determined by the State committee on the basis of yields obtained in similar nearby counties during such year and shall be used as the actual yield for such year. If, on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of the five-year period is less than 75 per centum of the average (computed without regard to such year) such year shall be eliminated in calculating the county normal yield per acre. The most reliable yield data available to the State committee shall be used in computing county normal yields. County normal yields shall be approved by the Administrator, Agricultural Stabilization and Conservation Service.

F. Section 729.1021, as amended, is amended to read as follows:

§ 729.1021 Allotments for new farms.

(a) *Basis for allotments.* The farm allotment for a new farm shall be that acreage which the county committee, with the approval of a representative of the State committee, determines is fair and reasonable for the farm, taking into consideration the peanut-growing experience of the producer(s) on the farm; the tillable acreage available; labor and equipment available for the production of peanuts on the farm; crop-rotation practices; and soil and other physical factors affecting the production of peanuts.

(b) *Limitations.* The farm allotment established under this section for a new farm shall not exceed the result obtained by multiplying the tillable acreage available on the farm by the tillable acreage factor: *Provided, however,* That such limitation may be waived with prior approval of a representative of the State committee. Not more than one per centum of the national acreage allotment shall be apportioned among new farms.

(c) *Reduction and cancellation.* The allotment determined under this section for a farm shall be reduced to the acreage planted to peanuts on the farm when it is found that such acreage is less than 75 percent of the allotment. Any farm allotment established under the provisions of this section shall be void as of the date issued if the State

committee determines that the applicant knowingly furnished false, incomplete or inaccurate information to obtain the allotment.

(d) *Apportionment of new farm national reserve among States.* One-tenth of one percent of the national peanut acreage allotment shall be reserved for establishing allotments for new farms and, if the total of the acreage required to establish allotments and reserves hereunder for old farms in any State is less than the State allotment for such farms, the balance shall upon approval by the Director, be available for establishing allotments for new farms in the State. If the total of the acreage allotments for new farms, as determined pursuant to this section, after deducting acreage available for such farms which was originally allotted for old farms exceeds the acreage reserved for new farm allotments, the acreage reserved for new farms shall be apportioned to the States for establishing new farm allotments as follows:

(1) For any State for which the total of the new farm allotments so determined does not exceed the State's proportionate share of the national new farm reserve (determined by tentatively apportioning such reserve among the States on the same basis as the national allotment, less the new farm reserve, was apportioned for the current year), no adjustment will be made in the recommended new farm allotments and there shall be made available to each such State an acreage equal to the total of the new farm allotments so determined;

(2) For any State for which the total of the new farm allotments so determined exceeds the State's proportionate share of the national new farm reserve (determined by tentatively apportioning such reserve among the States on the same basis as the national allotment, less the new farm reserve, was apportioned for the current year), there shall be made available for new farm allotments in each such State an acreage equal to the State's said proportionate share of the national new farm reserve;

(3) The acreage remaining after making the apportionments under subparagraphs (1) and (2) of this paragraph shall be apportioned pro rata among the States receiving acreage under subparagraph (2) of this paragraph on the basis of the total acreage determined for new farm allotments that is in excess of the acreage made available under subparagraph (2) of this paragraph. The new farm allotments established from acreage apportioned under subparagraph (2) of this paragraph, and under this subparagraph, shall be adjusted downward so that the total of the acreage allotments for such farms shall not exceed the acreage available.

(e) *Eligibility.* An allotment shall not be established for a new farm from acreage made available from the new farm national reserve unless each of the following conditions is met:

(1) A written application for a new farm allotment is filed by the farm operator and farm owner (both if different persons) at the office of the county committee on or before February 15 of the year for which application for an allotment is being filed;

(2) The farm is the only farm in the United States, owned or operated by the farm operator or farm owner for which a farm peanut allotment is established for the current year;

(3) The type of soil and topography of the available land on the farm for which the allotment is requested is suitable for the production of peanuts, and the continuous production of peanuts on the farm will not result in an undue erosion hazard;

(4) The farm operator shall own, or otherwise have readily available, adequate equipment and any other facilities of production (including irrigation water) necessary to the successful production of peanuts on the farm;

(5) The operator will obtain, during the current year, more than 50 percent of his income from the production of agricultural commodities or products from the farm for which the new farm allotment application is filed. In making this computation of income from the farm, no value will be allowed for the estimated return from the production of the requested allotment. However, in addition to the value of agricultural products sold from the farm, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm. Where the farm operator is a partnership, each partner must obtain, during the current year, more than 50 percent of his income from agricultural commodities or products from the farm; where the farm operator is a corporation, such corporation must have no major corporate purpose other than operation and ownership where applicable, of such farm, and the officers and general manager of the corporation must obtain more than 50 percent of their income, including dividends and salary, from the corporation.

(6) A producer on the farm shall have had experience in growing peanuts either as a sharecropper, tenant, or as a farm operator or farm owner during at least two of the five years immediately preceding the current year. In making a determination of any producer's experience in growing peanuts no credit shall be given for the producer's interest, in 1959 or a subsequent year, in peanuts grown on a farm for which no farm allotment is established for such year. If the producer furnishing the required experience is a person who is not the farm owner and operator he shall live on the farm for which the new farm allotment is requested.

(f) *Additional acreage for new farms.* If the total of the acreage required to establish allotments and reserves for all old farms in the State and for all new farms in the State that meet all the eligibility requirements set forth in paragraph (e) of this section is less than the State acreage allotment plus the acreage allocated to new farms in the State under this section, the balance of such acreage shall, upon approval of the Director, be available for establishing allotments, on the basis of factors specified in paragraph (a) of this section, for other new farms if;

(1) A written application for an allotment is filed by the farm operator and farm owner (both if different persons) at the office of the county committee on or before March 1 of the year for which an allotment is being requested; and,

(2) The conditions prescribed in subparagraphs (1) through (5) of paragraph (e) of this section are met.

G. Section 729.1024, as amended, is amended to read as follows:

§ 729.1024 Release and reapportionment.

(a) *Release of acreage allotments.* Any part of the acreage allotted for the current year to an individual farm in any county under the provisions of § 729.1018 on which peanuts will not be produced and which the operator of the farm voluntarily surrenders in writing to the county committee shall be deducted from the allotment to such farm provided such acreage is surrendered not later than the applicable of the closing dates specified below. If any part of the farm allotment is permanently released (i.e. for the current year and all subsequent years), such release shall be in writing and signed by both the owner and operator of the farm. If the entire current year farm allotment is permanently released, the farm peanut history acreages and farm allotments for the current year and prior years shall not be considered in establishing an allotment for the farm for any subsequent year. The following dates are hereby established as the closing dates for releasing acreage which will not be used on the farm for which allotted.

State and closing date

Alabama, March 15.
Arizona, March 1.
Arkansas, May 15.
California:
Imperial and Riverside counties, March 16.
Other counties, May 15.
Florida, March 15.
Georgia, March 25.
Louisiana, July 1.
Mississippi, May 1.
Missouri, May 10.
New Mexico, May 6.
North Carolina, April 15.
Oklahoma, May 29.
South Carolina, May 1.
Tennessee, April 1.
Virginia, April 15.
Texas (see listing under paragraph (b) of this section).

(b) *Reapportionment of released acreage allotment.* The acreage released under paragraph (a) of this section may be reapportioned by the county committee, to other farms in the same county receiving allotments, in amounts determined by the county committee to be fair and reasonable on the basis of tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts; except that any acreage allotment released from a farm which is covered in whole or in part by a Soil Bank Conservation Reserve Contract shall not be reapportioned by the county committee to any other farm.

In following States, a farm shall be eligible to receive a reapportionment of released acreage only if a written request is filed by the farm owner or operator at the office of the county committee not later than the applicable of the dates specified below.

State and closing date

Alabama, March 15.
Arizona, March 15.
California:
Imperial and Riverside counties, April 17
Other counties, June 15.
Florida, March 15.
Georgia, April 1.
Missouri, May 25.
New Mexico, May 10.
North Carolina, April 15.
Oklahoma, June 7.
South Carolina, May 10.
Tennessee, April 1.
Virginia, April 15.
Texas (see following list).

TEXAS

In this State the same closing dates are applicable for purposes of both paragraphs (a) and (b) of this section. These closing dates, by zones within the State, are as listed listed below.

March 1 for Zone 1, comprised of the counties of:

Aransas.
Atascosa.
Austin.
Bandera.
Bee.
Bexar.
Brazoria.
Brooks.
Calhoun.
Cameron.
Chambers.
Colorado.
Comal.
DeWitt.
Dimmit.
Duval.
Edwards.
Fort Bend.
Frio.
Galveston.
Goliad.
Gonzales.
Guadalupe.
Hardin.
Harris.
Hidalgo.
Jackson.
Jefferson.
Jim Hogg.
Jim Wells.
Karnes.
Kendall.
Kenedy.
Kerr.
Kinney.
Kleberg.
LaSalle.
Lavaca.
Liberty.
Live Oak.
McMullen.
Matagorda.
Maverick.
Medina.
Nueces.
Orange.
Real.
Refugio.
San Patricio.
Starr.
Uvalde.
Val Verde.
Victoria.
Waller.
Webb.
Wharton.
Willacy.
Wilson.
Zapata.
Zavala.

April 4 for Zone 2, comprised of the counties of:

Anderson.
Andrews.
Angelina.
Archer.
Bastrop.
Bell.
Blanco.
Borden.
Bosque.
Bowie.
Brazos.
Brewster.
Brown.
Burleson.
Burnet.
Caldwell.
Callahan.
Camp.
Cass.
Cherokee.
Clay.
Coke.
Coleman.
Collin.
Comanche.
Concho.
Cooke.
Coryell.
Crane.
Crockett.
Culberson.
Dallas.
Dawson.
Delta.
Denton.
Eastland.
Ector.
Ellis.
El Paso.
Erath.
Falls.
Fannin.
Fayette.
Fisher.
Franklin.
Freestone.
Gaines.
Gillespie.
Glasscock.
Grayson.
Gregg.
Grimes.
Hamilton.
Harrison.
Hays.
Henderson.
Hill.
Hood.
Hopkins.
Houston.
Howard.
Hudspeth.
Hunt.
Irion.
Jack.
Jasper.
Jeff Davis.
Johnson.
Jones.
Kaufman.
Kimble.
Lamar.
Lampasas.
Lee.
Leon.
Limestone.
Llano.
Loving.
McCulloch.
McLennan.
Madison.
Marion.
Martin.
Mason.
Menard.
Midland.
Milam.
Mills.
Mitchell.
Montague.
Montgomery.
Morris.
Nacogdoches.
Navarro.
Newton.
Nolan.
Palo Pinto.
Panola.
Parker.
Pecos.
Polk.
Presidio.
Rains.
Reagan.
Red River.
Reeves.
Robertson.
Rockwall.
Runnels.
Rusk.
Sabine.
San Augustine.
San Jacinto.
San Saba.
Schleicher.
Scurry.
Shackelford.
Shelby.
Smith.
Somervell.
Stephens.
Sterling.
Sutton.
Tarrant.
Taylor.
Terrell.
Titus.
Tom Green.
Travis.
Trinity.
Tyler.
Upshur.
Upton.
Van Zandt.
Walker.
Ward.
Washington.
Wichita.
Williamson.
Winkler.
Wise.
Wood.
Young.

April 18 for Zone 3, comprised of the counties of:

Armstrong.
Bailey.
Baylor.
Briscoe.
Carson
Castro.
Childress.
Cochran.
Collingsworth.
Cottle.
Crosby.
Dallam.
Deaf Smith.
Dickens.
Donley.
Floyd.
Foard.
Garza.
Gray.
Hale.
Hall.
Hansford.
Hardeman.
Hartley.
Hemphill.
Haskell
Hockley.
Hutchinson.
Kent.
King.
Knox.
Lamb.
Lipscomb.
Lubbock.
Lynn.
Moore.
Motley.
Ochiltree.
Oldham.
Parmer.
Potter.
Randall.
Roberts.
Sherman.
Stonewall.
Swisher.
Terry.
Throckmorton.
Wheeler.
Wilbarger.
Yoakum.

In the following states, a farm shall be eligible to receive a reapportionment of released acreage if the farm owner or operator files a request, either verbal or in writing, at the office of the county committee not later than the applicable of the dates specified below. If the request is verbal, a record of such request shall be made and placed in the county office files.

State and closing date

Arkansas, May 15.
Louisiana, July 1.
Mississippi, May 15.

(c) *Closing date for reapportionment of released acreage.* Any acreage released to the county committee may be reapportioned by the county committee to other farms in the county at any time not later than 15 days following the closing date established under paragraph (b) of this section for the filing of a request for an increase in allotment from released acreage.

(d) *Maximum acreage allotment.* No allotment shall be increased under the provisions of paragraph (b) of this section to an acreage greater than the tillable acreage available for the production of peanuts on the farm.

(e) *Credit for released or reapportioned acreage.* The release of allotment acreage, under provisions of paragraph (a) of this section, for the current year only shall not operate to reduce the allotment for the farm for any subsequent year unless such farm becomes ineligible for an old farm allotment. Any increase in the allotment for a farm resulting from a reapportionment of acreage under provisions of paragraph (b) of this section shall not operate to increase the allotment for such farm for any subsequent year.

(f) *Applicability of section to farms acquired by an agency having the right of eminent domain.* (1) Any part or all of a peanut allotment for a farm acquired by an agency having the right of eminent domain and held under lease or other agreement by the former owner may be released to the county committee in accordance with the provisions of paragraph (a) of this section. Also, such farm is eligible to receive a reapportionment of acreage under the provisions of paragraph (b) of this section.

(2) During any year of the period the peanut acreage allotment from a farm remains in the allotment pool pursuant to Part 719 of this chapter, the displaced owner may release, for one year at a time, all or any part of such allotment to the county committee. Such release shall be in accordance with the provisions of paragraph (a) of this section; except that, the acreage allotment for such a farm shall not be released permanently. The acreage released from the allotment pool shall be available to the county committee for reapportionment under the provisions of paragraph (b) of this section.

H. Section 729.1027 is amended to read as follows:

§ 729.1027 Approval of determinations and notice of farm allotment.

(a) The State committee shall review farm allotments and normal yields and may correct or require the correction of any determination made in connection therewith. Such review may be performed on the basis of summaries of farm data transmitted to the State office or by a representative of the State committee inspecting appropriate records in the county offices. Notwithstanding the foregoing provisions of this paragraph, approval of the State committee or its representative is not required prior to the mailing of notices of revised farm allotments resulting from (1) farm reconstitutions which do not involve the

use of additional allotment acreage, (2) the release and reapportionment of allotments, and (3) allotment reductions due only to failure to return marketing cards.

(b) Farm allotments must be approved by the county committee and official notice of the allotment for a farm shall not be issued until so approved. After approval of farm allotments by county committees, a notice shall be prepared and mailed to the operator of each farm for which a farm allotment is established. A notice of allotment shall not be valid unless the signature of a member of the county committee either actual or facsimile, is entered thereon.

(Secs. 358, 359, 375, 378, 55 Stat. 88, 90, as amended, 52 Stat. 66, as amended, 72 Stat. 995, as amended; sec. 115, 70 Stat. 196; 7 U.S.C. 1358, 1359, 1375, 1378, 1803)

Effective date: Date of publication.

Signed at Washington, D.C., on October 27, 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-10410; Filed, Oct. 31, 1961; 8:55 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Sugar Determination 847.2, Supp. 8]

PART 847—PUERTO RICO

Approved Local Producing Areas for 1960–61 Crop

Pursuant to the provisions of § 847.2, as amended (15 F.R. 6490, 20 F.R. 5963, 24 F.R. 7942), the Director of the Agricultural Stabilization and Conservation Service Caribbean Area Office hereby makes the following determinations:

§ 847.10 Approved local producing areas in Puerto Rico.

For purposes of considering eligibility of farms for abandonment and crop deficiency payments on the 1960–61 sugarcane crop in Puerto Rico, each of the following named single wards and each of the following combinations of adjoining wards is determined to be a local producing area in which due to flood and storm the actual yields of sugar for the 1960–61 crop year from ten percent or more of the sugarcane acreage harvested on all farms or parts of farms located in each such local producing area were below 80 percent of the applicable farm normal yields:

(a) *Single wards.* Ward Quebradas of the municipality of Guayanilla; Wards Sierra Alta and Vegas of the municipality of Yauco; Ward Loiza Aldea of the municipality of Loiza.

(b) *Combinations of adjoining wards.* (1) Wards Jaguas and Rucio of the municipality of Penuelas.

(2) Ward Guajataca of the municipality of Quebradillas, and wards Cibao, Puertos, Quebrada and Santiago of the municipality of Camuy.

STATEMENT OF BASES AND CONSIDERATIONS

One of the conditions of eligibility of a farm in Puerto Rico for an acreage abandonment or crop deficiency payment in connection with the production of sugar from sugarcane is that the farm be located in a local producing area for which the Director of the Agricultural Stabilization and Conservation Service Caribbean Area Office determines that drought, flood, storm, disease, or insects have damaged a substantial part of the sugarcane crop in such area.

The purpose of this supplement is to set forth that a combination of adjoining wards has been determined to comprise a local producing area for the 1960–61 crop and that such area, as well as the specified single-ward areas, have qualified under the requirements relating to crop damage. Any sugarcane producer on a farm which is located in whole or in part in any one of these local producing areas and which is otherwise qualified, may apply for payment accordingly, if he has not already done so.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153)

G. LAGUARDIA,
Director, Caribbean Area Office, Agricultural Stabilization and Conservation Service.

OCTOBER 17, 1961.

[F.R. Doc. 61-10407; Filed, Oct. 31, 1961; 8:55 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 250, Amdt. No. 1]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 922.550 (Valencia Orange Regulation 250, 26 F.R. 9901) are hereby amended to read as follows:

(ii) District 2: 525,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 27, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-10377; Filed, Oct. 31, 1961; 8:49 a.m.]

[Milk Order 43]

PART 943—MILK IN THE NORTH TEXAS MARKETING AREA

Order Amending Order

§ 943.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as

will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective upon publication in the FEDERAL REGISTER. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision was issued September 22, 1961 and the decision containing all amendment provisions of this order was issued October 16, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective upon publication in the FEDERAL REGISTER and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Add a new § 943.55 immediately following § 943.54 to read as follows:

§ 943.55 Cheddar cheese credit.

On and after the effective date hereof through March 1962, any milk used to produce Cheddar cheese or transferred in the form of milk from a pool plant to a nonpool plant and there used to produce Cheddar cheese shall be assigned to such use by the market administrator and shall be subject to a credit computed as follows: Multiply the rate by which the per hundredweight Class II price for milk containing 4.0 percent butterfat exceeds the amount (rounded to the nearest tenth of a cent) obtained by multiplying by 9.0 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department during the month, by the hundredweight of Class II milk not in excess of the combined volume of skim milk and butterfat remaining after the computation specified in § 943.46 (a)(8) and the corresponding step of § 943.46(b) less any overage deducted pursuant to § 943.46(a)(11) and the corresponding step of § 943.46(b), which was either used to produce Cheddar cheese or transferred in the form of milk from a pool plant to a nonpool plant and there used to produce Cheddar cheese: *Provided,* That in the event the plant at which Cheddar cheese was produced also received milk to be classified and priced under some other Federal order(s) on the basis of its specific use in Cheddar cheese and the volume of milk so used in such plant was less than the combined volume of milk to be so classified and priced under this and such other order(s), then the hundredweight of milk to which this paragraph is applicable shall be a pro rata share of such usage determined by computing the percentage that the volume of milk for which Cheddar cheese use is claimed under this order is of the total volume of Federal order milk for which such use is claimed and applying that percentage to the volume of milk so used in such plant.

§ 943.70 [Amendment]

2. Add a new paragraph (f) at the end of § 943.70 to read as follows:

(f) Deduct the amount of any credits computed for such handler pursuant to § 943.55.

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 27, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61–10412; Filed, Oct. 31, 1961; 8:56 a.m.]

[Milk Order 73]

PART 973—MILK IN MINNEAPOLIS-ST. PAUL, MINNESOTA, MARKETING AREA

Order Amending Order

§ 973.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than November 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of the Agricultural Stabilization and Conservation Service was issued October 12, 1961 and the decision of the Assistant Secretary containing all amendment provisions of this order was issued October 26, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective November 1, 1961, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means

pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby amended as follows:

§ 973.9 [Amendment]

1. In § 973.9(b) delete "July" wherever it appears.

2. In § 973.9(b)(1) replace "June" with "July".

3. In § 973.9(c) replace "July" with "August".

§ 973.41 [Amendment]

4. In § 973.41(a) replace "sterilized milk or milk drinks" with "sterilized milk, cream or milk drinks".

5. Replace § 973.54 with the following:

§ 973.54 Class II price.

The price per hundredweight for Class II milk shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department of Agriculture for the month: *Provided,* That such reported price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential, rounded to the nearest one-tenth cent, obtained by multiplying 0.12 by the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture for the month.

§ 973.8 [Amendment]

6. In § 973.8 delete "which is subject to the class price provisions of another milk marketing agreement or order issued pursuant to the Act".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Signed at Washington, D.C., on October 27, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61–10413; Filed, Oct. 31, 1961; 8:56 a.m.]

[Milk Order 94]

PART 994—MILK IN THE COLORADO SPRINGS-PUEBLO, MARKETING AREA

Order Amending Order

Sec.

AUTHORITY: §§ 994.0 to 994.101 issued under secs. 1–19, 48 Stat. 31 as amended; 7 U.S.C. 601–674.

§ 994.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Colorado Springs-Pueblo marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than November 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Acting Secretary was issued October 16, 1961 and the decision of the Assistant Secretary containing all amendment provisions of this order was issued October 26, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective November 1, 1961, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 3c(9) of the Act) of

more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Colorado Springs-Pueblo marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended:

DEFINITIONS

§ 994.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 994.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 994.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 994.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 994.5 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association, to be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act".

§ 994.6 Colorado-Springs-Pueblo, Colorado, marketing area.

"Colorado Springs-Pueblo, Colorado, marketing area" hereinafter called the "marketing area" means all territory within the boundaries of the counties of El Paso, Pueblo, Huerfano, and Teller, all in the State of Colorado.

§ 994.7 Pool plant.

A "pool plant" shall be any plant meeting the conditions of paragraph (a) or (b) of this section except the plant of a handler exempted in § 994.60 or § 994.61:

(a) Any plant, hereinafter referred to as a "distributing pool plant", (1) in which fluid milk products are pasteurized or packaged, (2) from which an amount equal to 50 percent or more of receipts of Grade A milk from dairy farmers, from a cooperative association pursuant to § 994.9(d), and from other pool plants is disposed of as Class I milk, and (3) from which 20 percent or more of the total Class I sales are on routes in the marketing area; and

(b) Any plant, hereinafter referred to as a "supply pool plant", from which during the month not less than 40 percent of its dairy farm supply of Grade A milk is moved to a distributing pool plant(s). Any supply plant which has qualified as a pool plant in each of the months of September through February shall be a pool plant for each of the following months of March through August unless written request for nonpool status for any such month(s) is furnished in advance to the market administrator. A plant withdrawn from supply pool plant status may not be reinstated for any subsequent month of March through August unless it fulfills the shipping requirements of this paragraph for such month.

§ 994.8 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

§ 994.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person who operates a nonpool plant from which fluid milk products are disposed of on routes in the marketing area;

(c) A cooperative association with respect to the milk of its member producers which is diverted from a pool plant to a nonpool plant for the account of such cooperative association; or

(d) A cooperative association with respect to milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notifies the market administrator and the handler to whom the milk is delivered in writing prior to the first day of the month in which the milk is delivered, that it elects to be the handler for such milk.

§ 994.10 Producer.

"Producer" means any person, other than a producer-handler (or a dairy farmer with respect to milk delivered to a pool plant which qualifies as producer milk under another Federal milk order) who produces milk eligible for distribution as Grade A milk in compliance with the fluid milk product requirements of a duly constituted health authority, whose milk is:

(a) Received at a pool plant; or

(b) Diverted from a pool plant to a nonpool plant for the account of the handler operating the pool plant or of a cooperative association, subject to the following limitations and conditions:

(1) The days of production of such person for which milk is diverted during the month may not exceed the days of production for which milk is received at a pool plant, otherwise such person will not be considered a producer with respect to any milk diverted;

(2) For purposes of the requirements of § 994.7, milk diverted for the account of the operator of a pool plant shall be included in the receipts of the pool plant from which diverted; and

(3) For purposes of location adjustments pursuant to § 994.81, milk diverted to a nonpool plant shall be considered to have been received at the location of the nonpool plant to which diverted.

§ 994.11 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant at which, during the month, there is received no other source milk or milk from other producers.

§ 994.12 Producer milk.

"Producer milk" means all skim milk and butterfat in milk produced by a producer and:

(a) With respect to the operator of a pool plant:

(1) Received directly from such producers at such pool plant; and

(2) Diverted from such pool plant to a nonpool plant for the account of the operator of the pool plant, subject to the limitations and conditions provided in § 994.10.

(b) With respect to receipts of a cooperative association at a plant other than one it operates:

(1) For which the cooperative association is the handler pursuant to § 994.9 (c), subject to the limitations and conditions provided in § 994.10; and

(2) For which the cooperative association is the handler pursuant to § 994.9(d).

§ 994.13 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) receipts from other pool plants; (2) producer milk; or (3) receipts from a cooperative association pursuant to § 994.9(d).

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 994.14 Fluid milk products.

"Fluid milk products" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, reconstituted milk or skim milk, fortified milk or skim milk (including "diet" foods), cream (sweet or sour), half and half, or any mixture in fluid form of milk or skim milk and cream (except ice cream mix, frozen dessert mix, aerated cream, eggnog, cultured sour mixture to which cheese or any food substance other than a milk product has been added in an amount not less than three percent by weight of the finished product), which are neither sterilized or in hermetically sealed containers.

§ 994.15 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or a sale from a plant or

plant store) of any fluid milk product, other than a delivery to a pool plant or nonpool plant.

MARKET ADMINISTRATOR

§ 994.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at, the discretion of the Secretary.

§ 994.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 994.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of the part;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received by § 994.88 the cost of his bond and those of his employees his own compensation, and all other expenses (except those incurred under § 994.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler, by audit of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to § 994.30 to § 994.32, or (2) payments pursuant to § 994.80 to § 994.88;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address, the prices determined for each month as follows:

(1) On or before the 6th day of each month, the Class I price and butterfat differential for the month; computed pursuant to §§ 994.51(a) and 994.53(a) respectively;

(2) On or before the 6th day of each month, the Class II price and butterfat differential for the preceding month, computed pursuant to §§ 994.51(b) and 994.53(b), respectively;

(3) On or before the 12th day of each month, the uniform price for producer milk computed pursuant to § 994.71, the location differential computed pursuant to § 994.81, and the butterfat differential computed pursuant to § 994.82, all for the preceding month;

(j) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of producer milk delivered by members of such association to each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler; and

(k) Prepare and make available for the benefit of producers, consumers, and handlers, such general statistics and such information concerning the operations hereof as are appropriate to the purpose and functioning of this part and which do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 994.30 Reports of receipts and utilization.

On or before the 7th day after the end of each delivery period each handler, except a producer-handler or a handler making payments pursuant to § 994.62 (a), shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The receipts at each plant of milk from each producer, the average butterfat test, and the pounds of butterfat contained therein;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) fluid milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

(d) The pounds of skim milk and butterfat contained in all fluid milk products on hand at the beginning and at the end of the delivery period;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe; and

§ 994.31 Payroll reports.

On or before the 23d day of each delivery period, each handler except a producer-handler or a handler making payments pursuant to § 994.62(a) shall submit to the market administrator his producer payroll for receipts during the preceding delivery period which shall show:

(a) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association,

(b) The amount of payment to each producer and cooperative association, and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 994.32 Other reports.

Each producer-handler and each handler making payments pursuant to § 994.61 or § 994.62(a) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 994.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions, and the disbursement of money so deducted.

§ 994.34 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 944.40 Skim milk and butterfat to be classified.

All skim milk and butterfat at pool plants which is required to be reported pursuant to § 994.30 shall be classified by the market administrator, pursuant to the provisions of §§ 994.41 to 994.46.

§ 994.41 Classes of utilization.

Subject to the conditions set forth in §§ 994.42 through 994.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product except:

(i) Any products fortified with added nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of milk, skim milk, or cream of the same butterfat contents; and

(ii) As classified pursuant to paragraph (b) (2), (3) and (5) of this section; or

(2) Not specifically accounted for as Class II utilization.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of as livestock feed;

(3) In skim milk dumped after prior notification to and opportunity for verification by the market administrator;

(4) The weight of skim milk in fluid milk products which is excepted from Class I milk pursuant to paragraph (a) (1) (i) of this section;

(5) Disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(6) In inventory of fluid milk products on hand at the end of the month;

(7) In shrinkage of skim milk and butterfat, respectively, not to exceed the following:

(i) Two percent of receipts of producer milk described in § 994.12(a) (1); plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity as a handler pursuant to § 994.9(d), except that if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations and butterfat tests determined from farm tank samples, the applicable percentage shall be two percent; plus

(iii) 1.5 percent of receipts in bulk tank lots from other pool plants; less

(iv) 1.5 percent of disposition in bulk tank lots to other milk plants; and plus

(v) 0.5 percent of receipts of producer milk by a cooperative association which is the handler pursuant to § 994.9(d), unless the exception provided in § 994.41 (b) (7) (ii) applies; and

(8) In shrinkage allocated to receipts of other source milk.

§ 994.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each of his pool plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, at each pool plant; and

(b) If a handler has receipts of other source milk, shrinkage shall be prorated between:

(1) Skim milk and butterfat in pool milk in amounts respectively equal to 50 times the maximum amount that may be computed pursuant to § 994.41(b) (7); and

(2) Skim milk and butterfat in other source milk.

§ 994.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 994.44 Transfers.

Skim milk or butterfat disposed of from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of a fluid milk product to the pool plant of another handler unless utilization in Class II is mutually indicated in writing to the market administrator by the operators of both plants on or before the 7th day after the end of the delivery period within which such transfer occurred: *Provided,* That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 994.46, and any additional amount of such skim milk or butterfat shall be assigned to Class I: *And provided further,* That if either or both plants have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk;

(b) As Class I milk if transferred in the form of a fluid milk product to a producer-handler;

(c) Class I milk, if transferred or diverted as a fluid milk product in bulk to a nonpool plant located more than 200 miles, by the shortest highway distance as determined by the market administrator, from the El Paso County Courthouse, but not located in Cache or Weber Counties, Utah.

(d) As Class I milk if transferred to a nonpool plant in the form of a fluid milk product in consumer packages;

(e) Class I milk, if transferred or diverted as a fluid milk product in bulk to a nonpool plant located not more than 200 miles, by the shortest highway distance as determined by the market administrator, from the El Paso County Courthouse, or located in Cache or Weber Counties, Utah, unless the following conditions are met:

(1) The transferring handler claims Class II utilization in his report submitted pursuant to § 994.30;

(2) The operator of the nonpool plant maintains books and records showing receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification;

(3) Class I utilization in the nonpool plant does not exceed the receipts of skim milk and butterfat in Grade A milk from dairy farmers. If Class I utilization exceeds such receipts, the skim milk and butterfat so transferred or diverted shall be Class I to the extent of a pro rata share of total receipts at the nonpool plant from all pool plants and from plants fully subject to other orders that are claimed as Class II utilization or as a class other than Class I under another order; and

(4) If any skim milk or butterfat is transferred to a second nonpool plant under this paragraph, the same conditions of audit, classification and allocation shall apply.

(f) Skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is the handler for such milk pursuant to § 994.9(d) shall be classified pro rata to the respective amounts thereof remaining in each class for such month at the pool plant(s) of the receiving handler after the computation pursuant to § 994.46(a) (7) and the corresponding step of (b).

§ 994.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the report submitted by each handler pursuant to § 994.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 994.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 994.45, the market administrator shall determine the classification of milk received from producers at each pool plant as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk allocated in shrinkage of skim milk classified as Class II pursuant to § 994.41 (b) (7);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in other source milk received:

(i) In the form of a fluid milk product in consumer type packages which are classified and priced as Class I milk under Order No. 1, regulating the handling of milk in the Eastern Colorado marketing area if such fluid milk products are not processed and packaged in the pool plant during the month; or

(ii) In the form of sour cream which is classified and priced as Class I or its equivalent value under another order issued pursuant to the Act.

(3) Subtract from the pounds of remaining skim milk in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of a product other than a fluid milk product;

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of a fluid milk product not classified and priced as Class I milk or its equivalent value under another order issued pursuant to the Act;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of a fluid milk product not subtracted pursuant to subparagraphs (2) and (4) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(7) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from other pool plants according to its classification as determined pursuant to § 994.44(a);

(9) Subtract pro rata from the remaining pounds of skim milk in each class the pounds of skim milk classified pursuant to § 994.44(f); and

(10) If the remaining pounds of skim milk in both classes exceeds the pounds of skim milk contained in milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in each class.

MINIMUM PRICES

§ 994.50 Basic formula price.

The basic formula price for each month to be used in determining the class prices set forth in § 994.51, shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section, rounded to the nearest one-tenth cent:

(a) Determine the average of the basic, or field prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Department:

Present Operator and Location

Pet Milk Company, Wayland, Mich.
Pet Milk Company, Coopersville, Mich.
Borden Company, Orfordville, Wis.
Borden Company, New London, Wis.
Carnation Company, Richland Center, Wis.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Belleville, Wis.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

§ 994.51 Class prices.

Subject to the provisions of §§ 994.52 and 994.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk.* During the first 18 months following the effective date of this paragraph, the basic formula price for the preceding month plus $2.10; and

(b) *Class II milk.* During the months of March through July, the price specified in § 994.50(b), and during all other months such price plus 10 cents: *Provided,* That such price shall not be higher than the basic formula price for the month.

§ 994.52 Location differentials to handlers.

For milk which is received from producers at a plant located more than 200 miles by the shortest highway distance, as determined by the market administrator, from the El Paso County Courthouse in Colorado Springs, and which is classified as Class I milk the prices computed pursuant to § 994.51(a) shall be reduced by 31.5 cents if such plant is located more than 200 miles but not more than 210 miles from such Courthouse and by an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 210 miles: *Provided,* That for the purpose of calculating such differential transfers between pool plants shall be assigned to Class I milk in a volume not in excess of that by which Class I disposition at the transferee plant exceeds the receipts from producers at such plant, such assignment to transferor plants to be made first to plants at which no differential credit is applicable and then in the sequence beginning with the plant at which the lowest location differential credit would apply.

§ 994.53 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 994.51 shall be increased or decreased, respectively, for each one-tenth of one percent of butterfat by the appropriate rate, rounded in each case to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Multiply the butter price specified in § 994.50(b)(1) for the preceding month by 1.30 and divide the result by 10.

(b) *Class II milk.* Multiply the butter price specified in § 994.50(b)(1) by 1.20 and divide the result by 10.

§ 994.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 994.60 Producer-handler.

Sections 994.40 to 994.46, 994.50 to 994.54, 994.70 to 994.72, and 994.80 to 994.88 shall not apply to a producer-handler.

§ 994.61 Exempt plants.

The provisions of this part shall not apply to a plant specified in paragraph (a) or (b) of this section except that the operator of such plant shall make such reports of receipts and utilization of milk as the market administrator may require and allow verification of such reports by the market administrator.

(a) Any distributing plant from which less than an average of 300 pounds of Class I milk per day is disposed of on routes in the marketing area during the month.

(b) Any distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless (1) such plant is qualified as a pool plant pursuant to § 994.7(a) and more Class I milk is disposed of from such plant on routes in the Colorado Springs-Pueblo marketing area than in the marketing area regulated pursuant to such other order, or (2) such plant was qualified as a supply plant under the other order.

§ 994.62 Handler operating a nonpool plant.

In lieu of the payments required pursuant to §§ 994.80 to 994.88, each handler, other than a producer-handler or one exempt pursuant to § 994.61, who operates during the month a nonpool plant, shall pay to the market administrator on or before the 25th day after the end of the month the amounts calculated pursuant to paragraph (a) of this section unless the handler elects, at the time of reporting pursuant to § 994.30, to pay the

amounts computed pursuant to paragraph (b) of this section;

(a) The following amounts:

(1) To the producer-settlement fund, an amount equal to the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the Class I price applicable at the location of such handler's plant, less the value of such skim milk and butterfat at the Class II price; and

(2) As his share of the expense of administration, the rate specified in § 994.88 with respect to Class I milk so disposed of in the marketing area.

(b) The following amounts:

(1) To the producer-settlement fund, any plus amount remaining after deducting from the value that would have been computed pursuant to § 994.70 if such handler had operated a pool plant the gross payments made by such handler for milk received during the month from Grade A dairy farmers at such plant or at a plant which serves as a supply plant; and

(2) As his share of the expense of administration, an amount equal to that which would have been computed pursuant to § 994.88 had such plant been a pool plant, except that if such plant is also a nonpool plant under another order issued pursuant to the Act, and his Class I sales in such other marketing area exceed those made in the Colorado Springs-Pueblo marketing area, the payments due under this subparagraph shall be reduced by the amount of any administrative expense payments under the other order.

DETERMINATION OF UNIFORM PRICE

§ 994.70 Computation of the value of producer milk for each handler.

For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 994.46 by the applicable class price and total the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from any class pursuant to § 994.46(a)(10) and, the corresponding step of § 994.46(b) by the applicable class price;

(c) Add an amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 994.46 (a)(6) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 994.46(a)(6) and the corresponding step of § 994.46(b) for the current month, whichever is less;

(d) Add the amount computed in subparagraphs (1) and (2) of this paragraph;

(1) Multiply the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 994.46 (a)(3) and the corresponding step of § 994.46(b) by the difference between the Class II price and the Class I price for the current month, adjusted by the applicable butterfat differentials; and

(2) For any skim milk or butterfat subtracted from Class I milk pursuant to § 994.46(a)(4) and the corresponding step of § 994.46(b) and pursuant to § 994.46(a)(6) and the corresponding step of § 994.46(b) which is in excess of the skim milk and butterfat applied pursuant to paragraph (c) of this section, add an amount equal to the differences between the values of such skim milk and butterfat at the Class I price and at the Class II price: *Provided,* That such calculations shall not apply if the total receipts of producer milk at pool plants during the month are less than 110 percent of the total Class I utilization of such plants for the month.

§ 994.71 Computation of the uniform price.

The market administrator shall compute the uniform price per hundredweight of producer milk as follows:

(a) Combine into one total the values computed pursuant to § 994.70 for the producer milk of all handlers who submitted reports prescribed in § 994.30, and who are not in default of payments pursuant to § 994.80 for the preceding month;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential pursuant to § 994.82 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deduction to be made from producer payments for location differentials pursuant to § 994.81;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents.

The resulting figure shall be the uniform price per hundredweight of producer milk of 3.5 percent butterfat content delivered to plants within the 80-mile zone.

§ 994.72 Notification of handlers.

On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform price computed pursuant to § 994.71 and the producer location and butterfat differentials computed pursuant to §§ 994.81 and 994.82; and

(c) The amounts to be paid by such handler pursuant to §§ 994.84, 994.86, 994.87, and 994.88 and the amount due such handler pursuant to § 994.85.

PAYMENTS

§ 994.80 Payment to producers.

Except as provided in paragraph (c) of this section, each handler shall make payment to each producer from whom milk is received as specified in paragraphs (a) and (b) of this section:

(a) On or before the last day of the month, to each producer who had not discontinued shipping milk to such handler before the 18th day of the month, an advance payment with respect to milk received during the first 15 days of the month at the Class II price for the preceding month;

(b) On or before the 16th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 994.71, subject to the butterfat differential computed pursuant to § 994.82 and location adjustment computed pursuant to § 994.81, plus or minus adjustments for errors made in previous payments to such producers and less (1) payments made pursuant to paragraph (a) of this section, (2) marketing service deductions pursuant to § 994.87, and (3) proper deductions authorized in writing by such producer:

Provided, That if by such date such handler has not recived full payment for such delivery period pursuant to § 994.85 he may reduce his total payment to all producers uniformly by not less than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator.

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the second day prior to the date of payment to producers in lieu of payments pursuant to paragraphs (a) and (b) respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be sub-

ject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

(e) Each handler who receives milk for which a cooperative association is the handler pursuant to § 994.9(d) shall, on or before the 2d day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) An advance payment for milk received during the first 15 days of the month at not less than the Class II price for the preceding month; and

(2) In final settlement, the value of such milk as classified pursuant to § 994.44(f) at the applicable class prices, less payment made pursuant to subparagraph (1) of this section.

§ 994.81 Location differential to producers.

For milk which is received at a plant located more than 200 miles but not more than 210 miles by shortest highway distance, as determined by the market administrator, from the El Paso County Courthouse in Colorado Springs, there should be deducted 31.5 cents per hundredweight and an additional 1.5 cents shall be deducted for each 10 miles or fraction thereof that such distance exceeds 210 miles.

§ 994.82 Butterfat differential to producers.

The applicable uniform price to be paid producers pursuant to § 994.80 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 994.52, weighted by the pounds of butterfat in producer milk in each class and the result rounded to the nearest tenth of a cent.

§ 994.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 994.62 and 994.84 and out of which he shall make all payments pursuant to § 994.85: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

§ 994.84 Payments to the producer-settlement fund.

On or before the 14th day after the end of each month, each handler who operates a pool plant shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 994.70, is greater than the amount owed by him for such milk at the appropriate uniform prices determined pursuant to § 994.80.

§ 994.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 994.70 is less than the amount owed by him for such milk at the appropriate uniform price determined pursuant to § 994.80. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 994.86 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts or other verification discloses errors resulting in moneys due a producer or the market administrator from such handler or due such handler from the market administrator; the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

§ 994.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers for milk (other than milk of his own production) pursuant to § 994.80, shall deduct 6 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 16th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members, and on or before the 16th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction was computed from each producer.

§ 994.88 Expense of administration.

As his pro rata share of the expense of the administration hereof, each handler shall pay the market administrator, on or before the 16th day after the end of each month, 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to (a) all milk received from producers during such month, including such handler's own farm production, (b) other source milk received at a pool plant and classified as Class I and (c) the quantities of milk at the plants of handler's operating nonpool plants as specified in § 994.62 (a) (2) or (b)(2).

§ 994.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information.

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the names of such producer or cooperative associations, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period, with respect to such obligation, shall not begin to run until the first day of the month following the month during which all such books and

records pertaining to such obligations are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 994.90 Effective time.

The provisions of this part or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 994.91 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part, or any amendment thereto. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 994.92 Continuing obligations.

If upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 994.93 Liquidation.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 944.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 994.101 Separability of provisions.

If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Effective date: November 1, 1961.

Signed at Washington, D.C. on October 27, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-10414; Filed, Oct. 31, 1961; 8:56 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

On September 1, 1961, there was published in the FEDERAL REGISTER (26 F.R. 8256), a notice with respect to a proposal to amend § 74.3(a) of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations. After due consideration of all relevant material submitted in connection with such notice and pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), § 74.3(a) of said Part 74 is hereby amended to read:

§ 74.3 Designation of eradication and quarantine areas.

(a) Notice is hereby given that sheep in the following States and Territories, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep and such States, Territories, and parts thereof, are hereby designated as eradication areas:

(1) Arkansas, Hawaii, Illinois, New York, North Dakota, Tennessee, and Wisconsin;

(2) That portion of South Dakota lying east of the Missouri River;

(3) The following Counties in Kansas: Republic, Cloud, Ottawa, Saline, McPherson, Harvey, Sedgwick, Sumner, and all Counties in the State of Kansas lying west thereof;

(4) All Counties in Nebraska except Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Sheridan, Sioux, and Scottsbluff.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the States of Hawaii and Wisconsin to the eradication areas since the cooperative sheep scabies eradication program is now being conducted in such States. These States are presently included in the infected areas as sheep scabies is known to exist in such States. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to these States.

The amendment imposes certain restrictions supplemental to the cooperative sheep scabies eradication program now being conducted in the States of Hawaii and Wisconsin. The restrictions imposed are necessary to prevent the spread of sheep scabies from the infected areas to these States. The amendment should be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than thirty days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of October 1961.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 61-10405; Filed, Oct. 31, 1961; 8:54 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 941; Amdt. 355]

PART 507—AIRWORTHINESS DIRECTIVES

Canadair CL-44D4 Aircraft

There have been several reported cases of cracking in the main landing gear rotation lever on Canadair CL-44D4 aircraft. Failure of the landing gear rotation lever can cause the landing gear to remain in the up position when the lever is operated to lower the gear. To preclude possible failures, inspection is required pending the development and installation of a modification of the affected parts.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

CANADAIR. Applies to all CL–44D4 aircraft.

Compliance required as indicated.

Failures have occurred on the main landing gear rotation lever P/N 4487528 on Model CL–44D4 aircraft. Failure of the lever can cause the landing gear to remain in "up" position when the lever is operated to lower the gear.

The following must be accomplished pending the development and installation of a Canadian Department of Transport and FAA approved modification of the affected parts after which no further inspection will be required:

(a) Within the next 45 hours' time in service unless already accomplished within the past 180 hours' time in service and at intervals not exceeding 225 hours' time in service thereafter conduct the dye penetrant inspection specified in Canadair Service Information Circular No. 27–CL–44D4 or FAA approved equivalent. Cracked levers must be replaced prior to further flight except for a ferry flight in accordance with the provisions of CAR 1.76.

(b) Subsequent to the effective date of this AD, at intermediate intervals between dye penetrant inspections not exceeding each 45 hours' time in service, conduct a visual inspection of the affected part. Cracked levers must be replaced prior to further flight except for a ferry flight in accordance with the provisions of CAR 1.76.

(c) Upon request of the operator an FAA maintenance inspector subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment shall become effective November 1, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 25, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61–10351; Filed, Oct. 31, 1961; 8:45 a.m.]

[Reg. Docket No. 943; Amdt. 356]

PART 507—AIRWORTHINESS DIRECTIVES

Canadair CL–44D4 Aircraft

There has been a reported incident of elevator flutter during flight on a Canadair CL–44D4 aircraft. In order to prevent this condition on other aircraft of the same type design, an airworthiness directive requiring inspection of the elevator hinge bracket attachment fittings is considered necessary.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

CANADAIR. Applies to all CL–44D4 aircraft.

Compliance required as indicated.

The following measures are required pending the development and installation of Canadian Department of Transport and FAA approved modification to the outer elevator hinge fittings to prevent elevator flutter during flight.

Within the next 25 hours' time in service after the effective date of this airworthiness directive, and every 25 hours' time in service thereafter, apply an upload of approximately 110 lbs. on elevator spar at Station 299 and check for fore and aft movement at upper and lower hinge bracket attachments.

(a) If movement exceeds .010 inches at the upper and lower hinge bracket attachment points, the fittings, P/N 28–A24498 A and B and P/N 28–A24670 must be reworked as stated in (1) or (2):

(1) Open up the 0.375 inch diameter holes to 0.4375±0.0005-inch diameter. Replace existing bolt, P/N 28–A24367 with an NAS 464–7–22 bolt or equivalent: AN 320–7 nut or equivalent; (use washers under nut to line up cotter pin hole), and cotter pin.

(2) Open up the 0.375-inch diameter holes to 0.4750±0.0005-inch diameter. Install bushings and reinstall the original bolt, P/N 28–A24367, if within tolerance (i.e., 0.3745+0000−0.0003-inch diameter), or replace with new bolt, P/N 28–A24367. Use existing nut and washer, install new cotter pin. Remove all sharp edges. The bushings shall meet the following requirements:

Material: SAE 4130, MIL–S6758 condition "N". Cadmium plated.

Outside diameter: Before plating 0.4770+0.0005−0.0000-inch diameter. After plating 0.4780+0.0005−0.0000-inch diameter.

Length: 0.748+0.002−0.000-inch for bushings in P/N 28–A24498 A and B. 0.298+0.002−0.000-inch for bushings in P/N 28–A24670.

After installation, the bushings must be line reamed to their inside diameter of 0.3750 ±0.0005-inch. Chamfer inside of bushing 0.03-inch×45°, under head of bolt.

(b) Prior to installing bolts, shim the gap between the attachment lugs, P/N 28–A24498 A and B and the hinge brackets, P/N 28–A24670 to eliminate any movement. The torque value for either of the replacement bolts, P/N 28–A24367 or NAS 464–7–20 or equivalent, is 10 inch-pounds.

(c) After rework, holes must be line reamed to positively insure alinement. When the line reaming is done from outside and from underside of stabilizer, a 0.5-inch diameter hole is required in the horizontal stabilizer outer skin. If reamed from top, the spar cap may be removed locally to clear reamer. Rework of the skin shall be in accordance with Canadair Drawing 28–22135.

(d) Fittings, P/N 28–A24498 A and B, and P/N 28–A24670 whose 0.375-inch diameter (original) holes are elongated beyond 0.4750-inch ±0.0005-inch must be replaced.

(e) Upon request of the operator, and FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this airworthiness directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment shall become effective November 1, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 26, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61–10352; Filed, Oct. 31, 1961; 8:45 a.m.]

[Reg. Docket No. 883; Amdt. 357]

PART 507—AIRWORTHINESS DIRECTIVES

Vickers Viscount 745D and 810 Series Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive changing the inspections and rework provisions for Vickers Viscount 745D and 810 Series aircraft superseding Amendment 271 (26 F.R. 2525), was published in 26 F.R. 8677.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive.

VICKERS. Applies to all Viscount Models 745D and 810 Series aircraft.

Compliance required as indicated.

As a result of reported cracks in the inner and outer wing spar attachment joint lugs, inspections were made and a number of aircraft were found to have cracks in the spar boom joint lugs. These cracks may occur on any one of the fingers of the joint lugs and appear to originate in the taper holes and then generally progress in a direction parallel to the joint lug. Accordingly, the following must be accomplished:

(a) Unless already accomplished per Amendment 271, 26 F.R. 2525, within the next 20 hours' time in service after the effective date of this AD, inspect for cracks using ultrasonic methods, or FAA approved equivalent, all the inner wing to outer wing spar boom attachment joint lugs, top and bottom, right and left and the center section to inner wing spar boom attachment joint lugs, top and bottom, right and left, in the region of the taper bolt holes.

(1) If cracks are found in any of the lower spar boom joints, replacement with new spar booms is required prior to further flight.

(2) If there are no cracks in any of the lower spar boom joints, aircraft having cracks in the top spar boom joints, within the limits specified in (a)(2)(i), may be continued in service provided the inspection of (a) is repeated on the affected top spar boom joints at the intervals specified in (b)(4).

(i) One crack is permitted in any of the four top joints, i.e., a total of four cracks per aircraft. Permissible cracks are those extending completely between two adjacent holes in one lug only; extending between the bolt hole nearest the end of one lug and the

end of that lug; or between the bolt hole nearest the boom body and a line one inch from this hole towards the body of the boom, in one lug only.

(3) If cracks beyond the limits specified in (a)(2)(i) are found in any of the top spar boom joints, replacement with a new top spar boom is required prior to further flight; except that, if there are no cracks in any of the lower spar boom joints and the extent of the cracking in the top spar boom joints has been reported to Vickers-Armstrongs for evaluation and the operator has obtained and presented to the FAA approval for flight from Vickers-Armstrongs based upon such evaluation, the aircraft may be flown in accordance with CAR's 1.76 and 1.77 to a base where replacement with a new top spar boom can be accomplished.

(b) Subsequent to the initial inspection of (a), the following repetitive inspections must be accomplished:

(1) Inspect all bottom spar boom joints for cracks using ultrasonic methods, or FAA approved equivalent, at intervals not exceeding two years, commencing from date of last ultrasonic or FAA approved equivalent inspection. If cracks are found in any of the bottom spar boom joints, replacement with new spar booms is required prior to further flight.

(2) Inspect all top spar boom joints, in which the taper bolts have not been retensioned to the revised instructions detailed in the applicable PTL referenced below, for cracks using ultrasonic methods, or FAA approved equivalent, at intervals not exceeding six months, commencing from the date of the last ultrasonic or FAA approved equivalent inspection. Aircraft found to have cracks in the top spar boom joints which are within the limits specified in (a)(2)(i) may be continued in service and must be reinspected in accordance with paragraph (b)(4). When cracks are found which exceed the limits of paragraph (a)(2)(i), the spar boom must be replaced prior to further flight in accordance with paragraph (a)(3).

(3) Inspect top spar boom joints, in which the taper bolts have been retensioned to the revised instructions detailed in the applicable PTL referenced below, for cracks using ultrasonic methods, or FAA approved equivalent, at intervals not exceeding twelve months, commencing from the date of the last bolt retensioning. Aircraft found to have cracks in the top spar boom joints which are within the limits specified in (a)(2)(i) may be continued in service and must be reinspected in accordance with paragraph (b)(4). When cracks are found which exceed the limits of paragraph (a)(2)(i), the spar boom must be replaced prior to further flight in accordance with paragraph (a)(3).

(4) On aircraft having cracks in the top spar boom joint which are within the limits of paragraph (a)(2)(i), inspect the affected joint using ultrasonic methods, or FAA approved equivalent, at intervals not exceeding three months, commencing from the date of the last ultrasonic inspection. When cracks exceed limits of (a)(2)(i), spar boom must be replaced prior to further flight per paragraph (a)(3).

(c) Reprotection of wing spar joints at controlled intervals is required and must be accomplished in accordance with the procedure detailed in the applicable PTL referenced herein. This procedure necessitates the removal of all bolts in each joint thus enabling a thorough visual inspection for corrosion and cleanliness, of both bolts and holes. After inspection per the provisions of this AD and repair in accordance with the applicable PTL, the bolts and joints are to be reprotected and assembled in accordance with the applicable PTL referenced below. Refitment of the bolts must be followed by an inspection of the joint for cracks using ultrasonic methods, or FAA approved equivalent, prior to further flight. Reprotection of all top and bottom spar boom joints must be carried out on all aircraft when they achieve five years of age, dating from the time of manufacture. If this age is achieved before June 30, 1962, compliance is required by this date. Subsequently, repeat the reprotection at intervals of six years. If the spar taper bolts were retensioned prior to receipt of Vickers-Armstrongs cable SS.6952, reprotection of all spar joints must be accomplished within six years from the date of the initial retensioning and at subsequent intervals of six years.

(d) Following the installation of new or replated bolts, unless already accomplished, conduct a visual inspection of the bolts for security at a suitable inspection period, not less than 100 hours' and not more than 600 hours' time in service from the time of bolt installation. Any new or replated bolts with 550 or more hours' time in service that have not been inspected for security on the effective date of this AD, must be inspected within the next 50 hours' time in service. Within six months of refitting, a check must be carried out to ensure that the torque values of the bolts are within the figures given in the PTL. Where any of the bolts in a joint have a torque value less than that quoted in the applicable PTL, the procedure detailed in the applicable PTL must be carried out on that joint.

(Vickers-Armstrongs Preliminary Technical Leaflet (PTL) No. 230 Issue 4, as amended (700 Series) and PTL No. 97 Issue 3 as amended (800/810 Series) cover this subject.)

This supersedes Amendment 271, 26 F.R. 2525.

This amendment shall become effective December 1, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 26, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61-10353; Filed, Oct. 31, 1961; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-NY-17]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On April 26, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 3572) stating that the Federal Aviation Agency (FAA) proposed to alter VOR Federal airway No. 149 by redesignating it from the Georgetown, N.Y., VOR via the Georgetown VOR 029° and the Utica, N.Y., VOR 280° True radials to the Utica VOR, and to designate the control area associated with this segment of Victor 149 to extend upward from 1,200 feet above the surface or, if appropriate, 500 feet beneath the Instrument Flight Rules minimum en route altitude when established.

On July 27, 1961, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6737) amending the original notice. The supplemental notice proposed that the control area associated with this segment of Victor 149 extend upward from 700 feet above the surface to the base of the continental control area until such time as all control areas associated with other airways in the vicinity of Georgetown and Utica can be altered by applying Amendment 60-21 to Part 60 of the Civil Air Regulations.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice and supplemental notice, the following action is taken:

Section 600.6149 (14 CFR 600.6149) is amended to read:

§ 600.6149 VOR Federal airway No. 149 (Allentown, Pa., to Utica, N.Y.).

From the Allentown, Pa., VORTAC via the Thornhurst, Pa., VOR; Binghamton, N.Y., VORTAC; Georgetown, N.Y., VOR; INT of the Georgetown VOR 029° and the Utica VOR 280° radials; to the Utica, N.Y., VOR.

This amendment shall become effective 0001 e.s.t., December 14, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 26, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-10355; Filed, Oct. 31, 1961; 8:46 a.m.]

[Airspace Docket No. 61-WA-193]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zones and Control Area Extensions

The purpose of these amendments to §§ 601.1425, 601.1429, 601.2407 and 601.2408 is to alter the Alpena, Mich., control area extension and control zone; and the Camp Douglas, Wis., control area extension and control zone.

The Department of the Air Force has stated an urgent and immediate need to extend the times of designation of these control area extensions and control zones. Due to the requirement for intensified training to bring selected Air National Guard Units to peak combat readiness at the earliest practicable date, the actions taken herein are justified as a matter of military urgency and necessity, and in the interest of national defense.

Because of the varied training mission requirements including periods of inactivity between changes of unit assignment, the part-time features of these control area extensions and control zones are being retained. However, to permit maximum training period flexibility and effectiveness with a minimum of operational penalty, the specific calendar and

daily effective dates and times will be established in advance by a Notice to Airmen, and continuously published in the Airman's Guide.

For the reasons stated above, the Administrator finds that a condition exists which requires expeditious action in the interest of national defense and safety and that notice and public procedure hereon are impractical and contrary to the public interest, and that good cause exists for making these amendments effective on less than 30 days notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

§ 601.1425 [Amendment]

1. In the text of § 601.1425 (14 CFR 601.1425, 26 F.R. 3065), "during the period beginning 0001 e.s.t., July 1, 1961, through 0001 e.s.t., August 21, 1961, and annually thereafter." is deleted and "during the specific dates and times established in advance by a Notice to Airmen, and continuously published in the Airman's Guide." is substituted therefor.

2. Section 601.1429 (14 CFR 601.1429) is amended to read:

§ 601.1429 Control area extension (Camp Douglas, Wis.).

The airspace within a 30-mile radius of Volk Field, Camp Douglas (Lat. 43° 56'25" N., Long. 90°15'20" W), N of Lat. 43°39'00" N, excluding the portions which coincide with R-6901 and R-6904, shall be designated a control area extension during the specific dates and times established in advance by a Notice to Airmen, and continuously published in the Airman's Guide.

§ 601.2407 [Amendment]

3. In the txet of § 601.2407 (14 CFR 601.2407, 26 F.R. 3065), "from 0600 to 2200 local time daily during the period July 1 through August 20, annually." is deleted and "during the specific dates and times established in advance by a Notice to Airmen, and continuously published in the Airman's Guide." is substituted therefor.

4. Section 601.2408 (14 CFR 601.2408, 26 F.R. 8100) is amended to read:

§ 601.2408 Camp Douglas, Wis., control zone.

Within a 5-mile radius of Volk Field, Camp Douglas (Lat. 43°56'25" N, Long. 90°15'20" W), and within 2 miles either side of the Volk Field VORTAC 093° radial extending from the 5-mile radius zone to 12 miles E of the VORTAC, during the specific dates and times established in advance by a Notice to Airmen, and continuously published in the Airman's Guide.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C. on October 26, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-10354; Filed, Oct. 31, 1961; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8376 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

A. E. Nelson and Co., Inc., and Alfred E. Nelson

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.235 *Source or origin:* § 13.235-60 *Place:* § 13.235-60(a) *Domestic products as imported.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185-90 *Wool Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, A. E. Nelson and Company, Inc., et al., Wilkes-Barre, Pa., Docket 8376, Sept. 7, 1961]

In the Matter of A. E. Nelson and Company, Inc., a Corporation, and Alfred E. Nelson, Individually and as an Officer of Said Corporation

Consent order requiring a Wilkes-Barre, Pa., clothing manufacturer to cease violating the Wool Products Labeling Act by tagging as "95% wool, 5% Nylon", boys' trousers which contained substantially less wool than thus represented and by failing to label wool products as required; and to cease making the same false statement as to fiber content in catalogs, and stating also that the domestically manufactured trousers were "Manufactured and Styled in Italy . . .", "Imported from Italy", etc.

The order to cease and desist is as follows:

It is ordered, That respondent A. E. Nelson and Company, Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of trousers or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein.

2. Failing to affix labels to such products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondent A. E. Nelson and Company, Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of trousers, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting, directly or by implication, in any manner, the fiber content, place of manufacture and styling of their garments or of any other products.

It is further ordered, That the complaint insofar as it concerns Alfred E. Nelson, be dismissed and the same is hereby dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 7, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-10361; Filed, Oct. 31, 1961; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950 —)

Maintenance and Revision of Records of Wages and Self-Employment Income

Regulations No. 4, as amended, of the Social Security Administration (20 CFR 404.1 et seq.), are further amended as follows:

1. Section 404.801 is amended to read as follows:

§ 404.801 Meaning of terms.

For the purposes of this subpart:

(a) The term "earnings" means wages paid to, and self-employment income derived by an individual.

(b) The term "record of earnings" means the Administration's records of the amounts of wages paid to and the self-employment income derived by an individual and the periods in which such wages were paid and such income was derived.

(c) The term "time limitation" means a period of 3 years, 3 months, and 15 days. (Where the time limitation ends on a non-work day see § 404.3(c).)

2. Section 404.804 is amended to read as follows:

§ 404.804 Records to be evidence.

For the purpose of proceedings before the Secretary or any court, such records shall, as provided in this Subpart I, be evidence of the amounts of earnings of such individual and the periods of such earnings. The absence of an entry as to an individual's earnings with respect to any period shall be evidence that the individual had no earnings in such period. After the expiration of the time limitation, as defined in § 404.801(c), following any year:

(a) The Administration's records (with revisions, if any, made pursuant to § 404.805 or § 404.806) of the amounts of earnings of an individual during any period in such year shall be conclusive;

(b) The absence of an entry in the Administration's records as to the wages alleged to have been paid by an employer to an individual during any period in such year shall be presumptive evidence that no such alleged wages were paid to such individual in such period; and

(c) The absence of an entry in the Administration's records as to the self-employment income alleged to have been derived by an individual in such year shall be conclusive that no such income was derived by such individual in such year unless it is shown that he filed a tax return of his self-employment income for such year before the expiration of the time limitation following such year. See § 404.807(b) with respect to conforming earnings records to tax returns of self-employment income.

3. Section 404.806 is amended by revising paragraphs (f), (g), (i), and (j) and adding a new paragraph (k) after paragraph (j) to read as follows:

§ 404.806 Revision of records of earnings after expiration of time limitation.

After the expiration of the time limitation following any year in which an individual had earnings or is alleged to have had earnings the Administration may change or delete any entry of earnings in its records for such year for such individual or include in its records for such year an individual's earnings which had been omitted but only:

* * * * *

(f) Except as provided in § 404.807, to conform its records to tax returns or portions thereof (including information returns and other written statements) filed with the Commissioner of Internal Revenue under title VIII of the Social Security Act, under subchapter E of chapter 1 or subchapter A of chapter 9 of the Internal Revenue Code of 1939, or chapter 2 or 21 of the Internal Revenue Code of 1954, or under regulations made under authority of such title, subchapter, or chapter, and to conform its records to wage reports filed by a State pursuant to an agreement under section 218 of the Act or regulations of the Secretary thereunder, or, effective January 1, 1962, to conform its records to wage amounts for which assessments of amounts due under an agreement pursuant to section 218 of the Act are made within the period specified in subsection (q) of section 218 of the Act, or to wage amounts for which allowances of credits or refunds of overpayments by a State under an agreement pursuant to section 218 of the Act are made;

(g) To correct errors made in the allocation, to individuals or periods, of earnings entered in the records of the Administration;

* * * * *

(i) To enter items of compensation for railroad service which constitute remuneration for employment pursuant to the provisions of Subpart O, such entries to be in accordance with certified reports of records made by the Railroad Retirement Board pursuant to section 5(k)(3) of the Railroad Retirement Act of 1937;

(j) To include in the Administration's records of earnings for any period, the amount of wages allocable to such period of any award paid prior to April 1, 1946, pursuant to an act of Congress or a State statute which as a means of making an individual whole, evidences an intent to create an employment relationship by law or to confer upon him all the ordinary incidents of an employment relationship, notwithstanding his discharge or the employer's refusal to hire him or which indicates an intent to protect an individual's right to wages; or

(k) To include self-employment income for any taxable year in an amount up to, but not greater than, the amount of wages deleted by the Administration as payments erroneously included in its records as wages paid to such individual, if such income (or net earnings from self-employment), not already included in its records as self-employment income, is included in a return or statement (referred to in paragraph (f) of this section) filed before the expiration of the time limitation following the taxable year in which such deletion of wages was made.

4. Section 404.807 is amended to read as follows:

§ 404.807 Conforming records to tax returns.

(a) *Tax returns of wages.* Where, pursuant to § 404.806(f), action is taken to conform a record of earnings with a tax return of wages or portion of a tax return of wages, or to a wage report filed by a State, and prior to the incorporation of such return or report into the record of earnings, the Administration has information that such return or report is incorrect, the record of earnings may be revised to incorporate the return, or some portion thereof, or the report, only insofar as such incorporation would make the record of earnings more nearly correct.

(b) *Tax returns of self-employment income*—(1) *Tax returns filed before expiration of time limitation.* Where action is taken to conform a record of earnings with a tax return of self-employment income filed by an individual with the Commissioner of Internal Revenue before the expiration of the time limitation following any taxable year (see § 404.804(c)), the Administration shall incorporate into its records the self-employment income of such individual for such year as evidenced by such tax return or some portion thereof but only insofar as such incorporation would make the record of earnings more nearly correct.

(2) *Tax returns filed after expiration of time limitation.* The Administration shall not, pursuant to § 404.806(f) or § 404.806(k), include in its records the amount of self-employment income of an individual for any taxable year if the tax return or portion thereof which evidences such income was filed after the expiration of the time limitation following the taxable year in which such self-employment income was derived or in which a deletion of wages was made. (This provision is not applicable to earnings which are derived in any taxable year ending after 1954 and before 1960 by a minister, member of a religious order who has not taken a vow of poverty, or a Christian Science practitioner, and which constitute self-employment income solely by reason of the filing of a certificate or supplemental certificate which is effective under section 1402(e)(3)(B) or (5) of the Internal Revenue Code of 1954.) In the case of a self-employment tax return filed after the expiration of the time limitation, the Administration may only revise its records to reflect a decrease. Therefore, if such return or any portion thereof evidences that the individual had no self-employment income for the taxable year, or had self-employment income in an amount less than the amount of self-employment income entered on the records of the Administration for such taxable year, the Administration shall revise its records to conform to such return or such portion thereof, but only to the extent that such revision would make the record of earnings more nearly correct.

(Sec. 101 of the Social Security Amendments of 1960, 74 Stat. 924)

5. Section 404.810 is amended to read as follows:

§ 404.810 Request for revision.

Any individual to whom wages have allegedly been paid or by whom self-employment income has allegedly been derived, or, after his death, his survivor, may, within the time limitation following any year with respect to any part of which he claims that the Administration's records of earnings are erroneous, or within such further time as is provided in § 404.612 of this chapter, file a request for the revision of the records to correct such error. (See § 404.806 for conditions under which the Administration may revise its records to correct errors after the expiration of the time limitation.) Any individual, or after his death, his survivor, may, within 6 months after the date of an adverse revision of an entry on his record of earnings made on the Administration's own motion, or the date of mailing of notice of such revision in cases in which notice must be given, whichever is later, or within such further time as is provided in § 404.612, file a request to correct such revision. Such requests may be filed at any office of the Bureau, or with an employee of the Bureau authorized to receive them at a place other than at such

office. For other offices or places where such requests may be filed under special circumstances, see § 404.610(b).

6. Section 404.812 is amended by making certain revisions in the heading and in paragraph (a) and by adding after paragraph (b) a new paragraph (c), to read as follows:

§ 404.812 Revision of records of earnings for service performed in the employ of the United States.

(a) *Service for United States or a wholly owned instrumentality of the United States.* Notwithstanding the provisions of §§ 404.805 and 404.806, there shall be no revision of records of earnings based upon service included as employment under section 210 of the Act which is performed in the employ of the United States or in the employ of any instrumentality wholly owned by the United States, including service performed as a member of a uniformed service included as employment under section 210(l)(1) of the Act, except as such revision is necessitated by a determination of the head of the appropriate Federal agency or instrumentality, and of such agents as such head may designate, as evidenced by returns filed in accordance with the provisions of section 3122 of the Internal Revenue Code of 1954 and certifications made pursuant to section 205(p) of the Act.

* * * * *

(c) *Service for Coast Guard Exchanges.* The provisions of paragraph (a) of this section shall also be applicable in the case of service performed by a civilian employee, not compensated from funds appropriated by the Congress, in the Coast Guard Exchanges or other activities, conducted by an instrumentality of the United States subject to the jurisdiction of the Secretary of the Treasury, at installations of the Coast Guard for the comfort, pleasure, contentment, and mental and physical improvement of personnel of the Coast Guard; and for purposes of paragraph (a) of this section the Secretary of the Treasury shall be deemed to be the head of such instrumentality.

(Secs. 205, 1102, 53 Stat. 1368, as amended, 49 Stat. 647, as amended; sec. 5 of Reorg. Plan No. 1 of 1953, 67 Stat. 18; 42 U.S.C. 405, 1302)

Effective date. The foregoing amendments shall become effective on the date of publication in the FEDERAL REGISTER.

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

OCTOBER 23, 1961.

Approved: October 26, 1961.

ABRAHAM RIBICOFF,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 61-10389; Filed, Oct. 31, 1961; 8:52 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Diatomaceous Earth; Exemption From Tolerance Requirement

A petition was filed with the Food and Drug Administration by Phoenix Gems, Inc., 1701 East Elwood Street, Phoenix, Arizona, requesting the establishment of an exemption from the requirement of a tolerance for residues of diatomaceous earth when used as a post-harvest treatment for barley, buckwheat, corn, oats, rice, rye, sorghum (milo) grain, and wheat.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which an exemption from the requirement of a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the exemption established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by adding thereto the following new section:

§ 120.188 Diatomaceous earth; exemption from requirement of tolerance.

Diatomaceous earth is exempted from the requirement of a tolerance for residues when used against insect pests in accordance with good agricultural practice on the following stored grains: Barley, buckwheat, corn, oats, rice, rye, sorghum (milo), wheat.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: October 26, 1961.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-10381; Filed, Oct. 31, 1961; 8:50 a.m.]

PART 121—FOOD ADDITIVES

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Amprolium

1. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Merck and Company, Inc., Rahway, New Jersey, and other relevant material, has concluded that the following amendment to § 121.210 of the food additive regulations should issue with respect to removal of the 4-day preslaughter interval for birds receiving feeds medicated by addition of amprolium (1-(4-amino-2-*n*-propyl-5-pyrimidinylmethyl)-2-picolinium chloride hydrochloride). Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR 121.210; 26 F.R. 4286, 5370) are amended in the following respects:

§ 121.210 [Amendment]

In § 121.210 *Amprolium (1-(4-amino-2-n-propyl-5-pyrimidinylmethyl)-2-picolinium chloride hydrochloride)*, paragraphs (b)(9) and (c)(8) are deleted.

2. Based upon an evaluation of the data before him, and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786, 21 U.S.C. 348(c)(4)), the Commissioner of Food and Drugs has further concluded that where chickens and turkeys have been treated with amprolium (1-(4-amino-2-*n*-propyl-5-pyrimidinylmethyl)-2-picolinium chloride hydrochloride) in accordance with § 121.210, as amended, tolerance limitations are required in order to assure that the edible tissues and eggs of chickens and turkeys are safe for human consumption. Therefore, § 121.1022 (26 F.R. 4286) is amended to read as follows:

§ 121.1022 Tolerances for residues of amprolium (1-(4-amino-2-*n*-propyl-5-pyrimidinylmethyl)-2-picolinium chloride hydrochloride).

Tolerances are estabilshed as follows for residues of amprolium (1-(4-amino-

2-*n*-propyl-5-pyrimidinylmethyl)-2-picolinium chloride hydrochloride) in the edible tissues and in eggs of chickens and turkeys:

(a) 1.0 part per million (0.0001 percent) in uncooked liver and kidney.

(b) 0.5 part per million (0.00005 percent) in uncooked muscle meat.

(c) Zero in eggs.

§ 146.26 [Amendment]

3. Pursuant to the provisions of the act (sec. 507(c), 59 Stat. 463, as amended; 21 U.S.C. 357(c)); *It is ordered,* That § 146.26 Animal feed containing penicillin; * * *, paragraph (b) (44) be amended by changing the introduction to subdivision (i) to read as follows:

(44) (i) It is intended for the use solely as an aid in preventing outbreaks of coccidiosis in chickens and turkeys and as an aid in stimulating growth and improving feed efficiency in growing chickens and turkeys, and its labeling bears adequate directions and warnings for such use, including a warning against its use in laying hens. It contains, per ton of complete feed:

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c) (1), (4), 72 Stat. 1786; sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 348(c) (1), (4), 357)

Dated: October 26, 1961.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-10388; Filed, Oct. 31, 1961; 8:52 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER B—PROPERTY IMPROVEMENT LOANS

PART 202a—TITLE I MORTGAGE INSURANCE

In Part 202a the pertinent section heading in the Table of Contents is amended to read as follows:

Sec.
202a.267 Amendment of regulations.

Section 202a.267 is amended to read as follows:

§ 202a.267 **Amendment of regulations.**

The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee under the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

(Sec. 2, 48 Stat. 1246, as amended, sec. 8, 64 Stat. 48, as amended; 12 U.S.C. 1703, 1706c)

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

In Part 203 the pertinent section heading in the Table of Contents is amended to read as follows:

Sec.
203.497 Amendment of regulations.

Subpart A—Eligibility Requirements

Section 203.71 is amended to read as follows:

§ 203.71 **Loan amortization period.**

The loan shall have an amortization of either 3, 5, 7, 10, 12, 15, 17 or 20 years by providing for either 36, 60, 84, 120, 144, 180, 204 or 240 monthly amortization payments.

Section 203.497 is amended to read as follows:

§ 203.497 **Amendment of regulations.**

The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee or lender under the contract of insurance on any mortgage or loan already insured or to be insured on which the Commissioner has made a commitment to insure.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

In Part 207 the pertinent section heading in the Table of Contents is amended to read as follows:

Sec.
207.263 Amendment of regulations.

Subpart A—Eligibility Requirements

In § 207.4 paragraph (f) is amended to read as follows:

§ 207.4 **Maximum mortgage amounts.**

* * * * *

(f) *Increased mortgage amount—operating losses.* When the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project, excluding depreciation, covered by such mortgage during the first two years following the date of completion of the project, as determined by the Commissioner, exceed the project income, the Commissioner may, in his discretion and upon such terms and conditions as he may prescribe, permit the excess of the foregoing expenses over the project income to be added to the amount of such mortgage, and extend the coverage of the mortgage insurance thereto, and any such additional advance by the mortgagee to cover such excess shall be deemed to be part of the original face amount of the mortgage. The regulations pursuant to which the mortgage was originally insured shall govern the payment of insurance benefits on the mortgage as increased by such additional advance.

Section 207.263 is amended to read as follows:

§ 207.263 **Amendment of regulations.**

The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee under the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

In § 213.7 paragraph (k) is amended to read as follows:

§ 213.7 **Maximum insurable amounts.**

* * * * *

(k) *Increased mortgage amount—operating losses.* When the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project, excluding depreciation, covered by such mortgage during the first two years following the date of completion of the project, as determined by the Commissioner, exceed the project income, the Commissioner may, in his discretion and upon such terms and conditions as he may prescribe, permit the excess of the foregoing expenses over the project income to be added to the amount of such

mortgage, and extend the coverage of the mortgage insurance thereto, and any such additional advance by the mortgagee to cover such excess shall be deemed to be part of the original face amount of the mortgage. The regulations pursuant to which the mortgage was originally insured shall govern the payment of insurance benefits on the mortgage as increased by such additional advance.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

In Part 220 in the Table of Contents the reference to § 220.512 is deleted, a new section heading is added and the pertinent section heading is amended as follows:

Sec.
220.125 Cost certification requirements.
220.634 Amendment of regulations.

In § 220.100 the introductory text is amended to read as follows:

§ 220.100 Incorporation by reference.

All of the provisions in §§ 203.50 et seq. covering insured home improvement loans under section 203(k) of the Act shall apply to insured home improvement loans on one- to eleven-family dwellings under section 220(h) of the Act except the following provisions:

In § 220.102 paragraph (a) is amended to read as follows:

§ 220.102 Maximum loan amount.

The principal amount of the loan shall not exceed:

(a) The Commissioner's estimate of the cost of improvements, $40,000, or $10,000 per family unit, whichever, is the least; or

Part 220 is amended by adding a new § 220.125 as follows:

§ 220.125 Cost certification requirements.

A loan for the improvement of a structure which is used, or upon completion of the improvements will be used, as a dwelling for five to eleven families shall be subject to the provisions of paragraphs (a) through (c) of this section as follows:

(a) The lender shall submit with the application for commitment an agreement on a form prescribed by the Commissioner, executed by the borrower and the lender, in which:

(1) The borrower agrees to execute, upon completion of the improvements, a certificate of the actual cost of the improvements.

(2) The borrower and the lender agree that if the actual cost of the improvements is less than the amount authorized in the commitment, the amount of the loan shall not exceed the actual cost of the improvements, and that the amount of the loan shall be further adjusted to the lowest $50 multiple where the amount is not in excess of $10,000, or adjusted to the lowest $100 multiple where the amount exceeds $10,000.

(b) No loan shall be insured unless in accordance with the agreement between the borrower and the lender.

(1) The required certification of actual cost is made by the borrower; and

(2) The amount of the loan is adjusted to reflect the actual cost of the improvements.

(c) The term "actual cost of the improvements" shall mean the cost to the borrower of the improvements, after deducting the amount of any kickbacks, rebates, or trade discount received in connection with the improvements, and including:

(1) The amounts paid under any contract for the improvements, labor, materials, and for any other items of expense approved by the Commissioner; and

(2) A reasonable allowance for contractor's profit, in an amount approved by the Commissioner, where the Commissioner determines that there is an identity of interest between the borrower and the contractor.

In § 220.501 paragraph (a) is amended by deleting from the listed provisions the following:

Sec.
207.17 Classification.
207.32 Eligibility of refinanced mortgages.
207.34 Reinsurance of Commissioner-held mortgages.

In § 220.507 paragraph (e) is amended to read as follows:

§ 220.507 Maximum mortgage amounts.

* * * * *

(e) *Increased mortgage amount—operating losses.* When the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project, excluding depreciation, covered by such mortgage during the first two years following the date of completion of the project, as determined by the Commissioner, exceed the project income, the Commissioner may, in his discretion and upon such terms and conditions as he may prescribe, permit the excess of the foregoing expenses over the project income to be added to the amount of such mortgage, and extend the coverage of the mortgage insurance thereto, and any such additional advance by the mortgagee to cover such excess shall be deemed to be part of the original face amount of the mortgage. The regulations pursuant to which the mortgage was originally insured shall govern the payment of insurance benefits on the mortgage as increased by such additional advance.

§ 220.5120 [Deletion]

In Part 220 § 220.512 is deleted.

Section 220.634 is amended to read as follows:

§ 220.634 Amendment of regulations.

The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee under the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

In § 221.514 paragraph (e) is amended to read as follows:

§ 221.514 Maximum mortgage amounts.

* * * * *

(e) *Increased mortgage amount—operating losses.* When the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project, excluding depreciation, covered by such mortgage during the first two years following the date of completion of the project, as determined by the Commissioner, exceed the project income, the Commissioner may, in his discretion and upon such terms and conditions as he may prescribe, permit the excess of the foregoing expenses over the project income to be added to the amount of such mortgage, and extend the coverage of the mortgage insurance thereto, and any such additional advance by the mortgagee to cover such excess shall be deemed to be part of the original face amount of the mortgage. The regulations pursuant to which the mortgage was originally insured shall govern the payment of insurance benefits on the mortgage as increased by such additional advance.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

SUBCHAPTER J—MORTGAGE INSURANCE FOR NURSING HOMES

PART 232—NURSING HOMES MORTGAGE INSURANCE

In Part 232 the pertinent section headings are amended to read as follows:

Sec.
232.95 Amendment of regulations.
232.345 Amendment of regulations.

Subpart A—Eligibility Requirements

In § 232.31 paragraph (b) is amended to read as follows:

§ 232.31 Increased mortgage amounts.

* * * * *

(b) *Operating losses.* When the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project, excluding depreciation, covered by such

mortgage during the first two years following the date of completion of the project, as determined by the Commissioner, exceed the project income, the Commissioner may, in his discretion and upon such terms and conditions as he may prescribe, permit the excess of the foregoing expenses over the project income to be added to the amount of such mortgage, and extent the coverage of the mortgage insurance thereto, and any such additional advance by the mortgagee to cover such excess shall be deemed to be part of the original face amount of the mortgage. The regulations pursuant to which the mortgage was originally insured shall govern the payment of insurance benefits on the mortgage as increased by such additional advance.

Section 232.95 is amended to read as follows:

§ 232.95 Amendment of regulations.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee under the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

Section 232.345 is amended to read as follows:

§ 232.345 Amendment of regulations.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee under the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

SUBCHAPTER R—WAR HOUSING INSURANCE

PART 603—INDIVIDUAL HOMES; WAR HOUSING MORTGAGE INSURANCE

In Part 603 the pertinent section heading in the Table of Contents is amended to read as follows:

Sec.
603.263 Amendment of regulations.

Section 603.263 is amended to read as follows:

§ 603.263 Amendment of regulations.

The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee under the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

(Sec. 607, 55 Stat. 61, as amended; 12 U.S.C. 1742. Interprets or applies sec. 603, 55 Stat. 56, as amended; 12 U.S.C. 1738)

PART 608—MULTIFAMILY PROJECTS; WAR HOUSING MORTGAGE INSURANCE

In Part 608 the pertinent section heading in the Table of Contents is amended to read as follows:

Sec.
608.268 Amendment of regulations.

Section 608.268 is amended to read as follows:

§ 608.268 Amendment of regulations.

The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee under the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

(Sec. 607, 55 Stat. 61, as amended; 12 U.S.C. 1742. Interprets or applies sec. 608, 56 Stat. 303, as amended; 12 U.S.C. 1743)

PART 611—SINGLE FAMILY PROJECT LOANS; WAR HOUSING MORTGAGE INSURANCE

In Part 611 the pertinent section heading in the Table of Contents is amended to read as follows:

Sec.
611.262 Amendment of regulations.

Section 611.262 is amended to read as follows:

§ 611.262 Amendment of regulations.

The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee under the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

(Sec. 607, 55 Stat. 61, as amended; sec. 611, 62 Stat. 1271, as amended; 12 U.S.C. 1742, 1746)

SUBCHAPTER S—INSURANCE FOR INVESTMENTS IN RENTAL HOUSING FOR FAMILIES OF MODERATE INCOME

PART 702—YIELD INSURANCE

In Part 702 the pertinent section heading in the Table of Contents is amended to read as follows:

Sec.
702.259 Amendment of regulations.

Section 702.259 is amended to read as follows:

§ 702.259 Amendment of regulations.

The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee under the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

(Sec. 712, 62 Stat. 1281, as amended; 12 U.S.C. 1747k)

SUBCHAPTER T—MILITARY AND ARMED SERVICES HOUSING MORTGAGE INSURANCE

PART 803—ARMED SERVICES HOUSING—MILITARY PERSONNEL

In Part 803 the pertinent section heading in the Table of Contents is amended to read as follows:

Sec.
803.263 Amendment of regulations.

Section 803.263 is amended to read as follows:

§ 803.263 Amendment of regulations.

The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee under the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interprets or applies sec. 809, 70 Stat. 273; 12 U.S.C. 1748h–1)

SUBCHAPTER U—NATIONAL DEFENSE HOUSING INSURANCE

PART 903—INDIVIDUAL RESIDENCES; NATIONAL DEFENSE HOUSING MORTGAGE INSURANCE

In Part 903 the pertinent section heading in the Table of Contents is amended to read as follows:

Sec.
903.266 Amendment of regulations.

In § 903.256 paragraph (c) is amended to read as follows:

§ 903.256 Forbearance of foreclosure.

* * * * *

(c) *Condition of property.* The property covered by the mortgage which is to be assigned shall meet all of the provisions of § 903.262.

Section 903.266 is amended to read as follows:

§ 903.266 Amendment of regulations.

The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interest of a mortgagee under the contract of insurance or any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

(Sec. 907, 65 Stat. 301; 12 U.S.C. 1750f. Interpret or apply sec. 903, 65 Stat. 296, as amended; 12 U.S.C. 1750b)

Issued at Washington, D.C., October 26, 1961.

JAMES B. CASH, Jr.,
Acting Federal Housing Commissioner.

[F.R. Doc. 61–10380; Filed, Oct. 31, 1961; 8:50 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER M—FORESTRY

PART 141—GENERAL FOREST REGULATIONS

Timber Cutting Permits

On page 7778 of the FEDERAL REGISTER of August 19, 1961, there was published a notice and text of proposed amendments of §§ 141.7, 141.12 and 141.19 of Title 25, Code of Federal Regulations. The purposes of the amendments are to change the $200 limitation on stumpage values to $500 in §§141.7, 141.12, and 141.19, and to make clear that the 1-year limitation in § 141.19 applies to a calendar year rather than to any other 12-month period.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendments. No comments, suggestions or objections have been received, and the proposed amendments are hereby adopted without change and are set forth below. These amendments shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 25, 1961.

1. Section 141.7 is amended to read as follows:

§ 141.7 Timber sales from unallotted and allotted lands.

On reservations where the volume of timber available for cutting is in excess of that which is being developed by the Indians, open market sales of Indian timber will be authorized: *Provided,* That consent is given by the authorized representative of the tribe for tribal timber, and by the Indian owners for allotted timber. The consent of the Secretary is required in all cases. Unless otherwise authorized by the Secretary, sales from unallotted lands, allotted lands, or a combination of these two ownerships having a stumpage value exceeding $500 will not be approved until an examination of the timber to be sold has been made by a qualified forest officer and a report setting forth all pertinent information has been submitted to the officer authorized to approve the contract as provided in § 141.13. In all such sales of timber exceeding $500 in value, the timber shall be appraised and sold at not less than its appraised value.

2. Section 141.12 is amended to read as follows:

§ 141.12 Contracts required.

Except as provided in § 141.19(c), in sales of timber with an appraised stumpage value exceeding $500 the contract forms approved by the Secretary must be used unless a special form for a particular sale or class of sales is approved by the Secretary. The approved forms provide flexibility to meet variable conditions, but essential departures from the fundamental requirements of such contracts shall be made only with the approval of the Secretary. Unless otherwise directed, the contracts shall require that the proceeds be paid by remittance drawn to the Bureau of Indian Affairs and transmitted to the Superintendent. Contracts may be extended, modified, or assigned subject to approval of the approving officer, and may be terminated by the approving officer upon completion.

3. The introductory paragraph of § 141.19 is amended to read as follows:

§ 141.19 Timber cutting permits.

Except as provided in § 141.20, all timber cutting that is not done under formal contract, pursuant to § 141.12, shall be done under the regular timber cutting permit forms. Permits to be valid must be approved by the Secretary. Permits will be issued only with the consent of authorized representatives of the tribe for unallotted lands, and for allotted lands with the consent of the Indian owner or the Superintendent as authorized in § 141.13 (b) and (c). The stumpage value which may be cut in 1 calendar year by any individual under authority of paragraphs (a) and (b) of this section shall not exceed $500, but this limitation shall not apply to cutting under authority of paragraph (c) of this section.

[F.R. Doc. 61-10367; Filed, Oct. 31, 1961; 8:48 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 252-61]

PART 21—WITNESS FEES

Travel Expenses and Subsistence of Federal Officers and Employees Summoned as Witnesses for the Government

By virtue of the authority vested in me by section 1823(a) of Title 28 of the United States Code, and by section 30 of the act of June 6, 1960 (48 U.S.C. 25), as affected by section 23(c) of the Alaska Omnibus Act (73 Stat. 147), I hereby revise § 21.1 of Chapter I of Title 28 of the Code of Federal Regulations to read as follows:

§ 21.1 Officers and employees of the United States summoned as witnesses.

Officers and employees of the United States summoned as witnesses for the Government in cases before United States courts (including such courts in the possessions of the United States) or United States commissioners shall be entitled (a) to necessary expenses incident to travel by common carrier, or, if travel is made by privately-owned automobile, to mileage at the rate of ten cents a mile, and (b) to a per-diem allowance, in lieu of subsistence, at the rate of $16 within the continental United States except in Alaska, and at the maximum rates prescribed by the President or his delegate pursuant to the Travel Expense Act of 1949, as amended (5 U.S.C. 836), outside the continental United States and in Alaska. Such allowances shall be paid in accordance with the provisions of the Standardized Government Travel Regulations.

(28 U.S.C. 1823(a))

Order No. 107-55 of December 2, 1955 is hereby superseded.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the only change made by the order in existing regulations, other than changes in the interest of form and clarification, relieves a restriction and is advantageous to persons affected by it.

Dated: October 27, 1961.

ROBERT F. KENNEDY,
Attorney General.

[F.R. Doc. 61-10485; Filed, Oct. 31, 1961; 10:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

Miscellaneous Amendments

1. In Part 13, §§ 13.72 through 13.77 are added to read as follows:

§ 13.72 Release of funds from Personal Funds of Patients.

Chief Attorneys may authorize release of funds from Personal Funds of Patients for the needs of veterans and their dependents, including amounts fixed by statute or valid administrative regulations as the cost of current maintenance of veterans in institutions of the United States or a political subdivision thereof other than Veterans Administration institutions.

§ 13.73 Transfer of funds from Funds Due Incompetent Beneficiaries.

(a) *Authorization.* Chief Attorneys may recommend the transfer of amounts credited to individual veterans from Funds Due Incompetent Beneficiaries to Personal Funds of Patients at Veterans Administration hospitals, regional offices and centers. Chief Attorneys may recommend the transfer of such funds from Funds Due Incompetent Beneficiaries to managers, superintendents or medical officers in charge of non-Veterans Administration institutions maintained by the United States or a political subdivision thereof for the account of the institutionalized veteran.

(b) *Limitation.* No transfer of funds will be authorized from Funds Due Incompetent Beneficiaries in excess of $500 and only when the funds in Personal Funds of Patients or deposited to the

veteran's account at an institution do not exceed $500 prior to such transfer.

§ 13.74 Recommendation for payment.

(a) *General.* When veterans' benefits are discontinued under 38 U.S.C. 3203 (b)(2), Chief Attorneys are delegated authority to recommend apportionments or awards in accordance with paragraphs (b) and (c) of this section.

(b) *Needy dependent parent.* If the veteran's estate is $4,000 or more, the Chief Attorney may authorize payment from Personal Funds of Patients or recommend payment from the veteran's estate for the needs of the dependent parent and for the care and maintenance of the veteran if hospitalized by the United States or a political subdivision thereof in other than a Veterans Administration hospital. If the estate is $2,500 or more but less than $4,000, the Chief Attorney may recommend an apportionment from appropriated funds to the dependent parent or parents, predicated upon need, not to exceed the veteran's discontinued award, and authorize an award to the hospital from Personal Funds of Patients if available, otherwise, the hospital must look to the veteran's estate for payment. If the veteran's estate is less than $2,500, the Chief Attorney may recommend an apportionment to the dependent parents, predicated upon need, and an award of so much of the balance, if any, of the veteran's discontinued award as is necessary for the current care and maintenance of the veteran, to the hospital.

(c) *No dependents.* If the veteran is hospitalized by the United States or a political subdivision thereof other than a Veterans Administration institution and has no dependent parent, and the estate is less than $2,500, the Chief Attorney may recommend an award from appropriated funds, not to exceed the amount of the veteran's discontinued award, to the hospital for current care and maintenance. When the veteran's estate is $2,500 or more, no award from appropriated funds should be made but the Chief Attorney may authorize an award from Personal Funds of Patients if available; otherwise, the hospital must look to the veteran's estate for payment.

(d) *Hardship cases.* Chief Attorneys are authorized, in exceptional cases, to deviate from the criteria stated to avoid hardship.

§ 13.75 Application of 38 U.S.C. 3203 (b)(2) to confinement of incompetent veteran in a penal institution.

Payment of compensation, pension or retirement pay to a veteran who comes within the provisions of 38 U.S.C. 3203 (b)(2) must be discontinued upon confinement in a penal institution, whether awaiting trial, sentence, or after conviction, until his release from such institutional care (§ 13.108).

§ 13.76 Appeals from Chief Attorney's determination under 38 U.S.C. 3203 (b)(3).

(a) *Notification.* The Chief Attorney will be responsible for notification of action taken and the right and time limitation to appeal (§ 19.2) when he determines that:

(1) The dependent is not in need.

(2) The needs of the dependent parent are to be met from the veteran's estate or from Personal Funds of Patients and no payments or partial payments will be made for the dependent parents' support from appropriated funds.

(3) No award from appropriated funds for care and maintenance for the veteran in a non-Veterans Administration hospital will be made, and that the veteran's estate will have to defray the cost.

(b) *Right to appeal.* An appeal may be taken from the determination of the Chief Attorney:

(1) By the dependent parent on the question of need.

(2) By the dependent parent as to payments for his or her support from appropriated funds.

(3) By the guardian for the disallowance of the use of appropriated funds for the veteran's care and maintenance at an institution maintained by the United States or a political subdivision thereof.

(c) *Hearings on appeal.* Personal hearings at a Veterans Administration field office before station personnel acting as a hearing agency or before a section of the Board of Veterans Appeals will be granted if requested by persons entitled thereto (§ 19.3).

(d) *Notification to claimant of hearing.* The person requesting the hearing will be notified of the time and place of the hearing, including notice that the Government may not assume any expense incurred by the appellant or his representative in connection with the hearing.

§ 13.77 Administrative review of the Chief Attorney's determination made under 38 U.S.C. 3203(b)(3).

(a) *Chief Attorney (reversals).* (1) The Chief Attorney may revise any previous determination upon review of the evidence of record, provided a specific finding is made in writing that it was clearly and unmistakably erroneous.

(2) The Chief Attorney may revise a previous determination upon receipt of new evidence.

(b) *Chief Benefits Director.* Upon request for further review by the dependent parent, the Chief Benefits Director or his designee will review and may revise the determination of the Chief Attorney as to the amount to be paid from Personal Funds of Patients for the support of the dependent parent, predicated upon need.

2. In § 13.104, paragraph (b) is amended to read as follows:

§ 13.104 Accounts of guardians.

* * * * *

(b) In jurisdictions where State law requires accountings from guardians less frequently than annually, the Chief Attorney will require accountings from individual guardians annually but need not require corporate fiduciaries to account other than as provided by State law but in no event less frequently than once every 3 years.

(72 Stat 1114; 38 U.S.C. 210)

These regulations are effective November 1, 1961.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 61-10392; Filed, Oct. 31, 1961; 8:53 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Tewaukon National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NORTH DAKOTA

TEWAUKON NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Tewaukon National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,840 acres or 33 percent of the total refuge area is delienated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Pheasants only during the season specified below. The hunting of upland game species, as may be otherwise authorized by North Dakota State regulations, is prohibited.

(b) Open season: From 9:00 a.m. to sunset daily from November 20 through December 5, 1961.

(c) Daily bag limit: Four male birds.

(d) Methods of hunting: (1) Weapons—shotguns or bow and arrow. Shotguns must be no larger than 10 gauge, fired from the shoulder and capable of holding three shots or less. Arrows must be at least 24 inches in length and have at least 2 untrimmed or not less than 5 trimmed feathers (Flu-Flu type.)

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 6, 1961.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 25, 1961.

[F.R. Doc. 61-10363; Filed, Oct. 31, 1961; 8:48 a.m.]

PART 32—HUNTING

National Wildlife Refuges, South Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Lacreek National Wildlife Refuge, South Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 310 acres or 3 percent of the total refuge area is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed or mule deer during the season specified below. The hunting of big game species, as may be otherwise authorized by South Dakota State regulations, is prohibited.

(b) Open season: From one-half hour before sunrise to sunset, daily from November 1 through November 12, 1961.

(c) Bag limit: One buck deer with two or more points to one antler; one deer per person per season.

(d) Methods of hunting: (1) Weapons: It is unlawful to hunt big game with any rifle or firearm which discharges a projectile less than 22/100 of an inch in diameter, or less than two inches in length; cartridge must contain a soft point or expanding bullet. Muzzle loading rifles which discharge a projectile of less than 42/100 of an inch in diameter are unlawful. Self-loading or auto-loading firearms capable of holding more than six cartridges, or firearms capable of operating as a full automatic, are unlawful. No buckshot may be used, and no single ball or rifled slug weighing less than one-half ounce may be used.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective through November 12, 1961.

SAND LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Sand Lake National Wildlife Refuge, South Dakota is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,000 acres or 93 percent of the total refuge area is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed or mule deer during the season specified below. The hunting of big game species, as may be otherwise authorized by South Dakota State regulations, is prohibited.

(b) Open season: From one-half hour before sunrise to sunset, daily from December 2 through December 10, 1961.

(c) Bag limit: One deer, of any age or sex, per person per season.

(d) Methods of hunting: Weapons—only shotguns, firing a single ball or rifled slug weighing one-half ounce or more may be used; all other firearms are unlawful.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective through December 10, 1961.

WAUBAY NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Waubay National Wildlife Refuge, South Dakota is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,100 acres or 24 percent of the total refuge area is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed or mule deer during the season specified below. The hunting of big game species, as may be otherwise authorized by South Dakota State regulations, is prohibited.

(b) Open seasons: Gun season—From one-half hour before sunrise to sunset, daily from December 2 through December 10, 1961. Bow and arrow season—From one-half hour before sunrise to sunset, daily from December 11 through December 31, 1961.

(c) Bag limit: One deer, of any age or sex, per person per season.

(d) Methods of hunting: (1) Weapons: It is unlawful to hunt big game with any rifle or firearm which discharges a projectile less than 22/100 of an inch in diameter, or less than two inches in length; cartridge must contain a soft point or expanding bullet. Muzzle loading rifles which discharge a projectile of less than 42/100 of an inch in diameter are unlawful. Self-loading or auto-loading firearms capable of holding more than six cartridges, or firearm capable of operating as a full automatic, are unlawful. No buckshot may be used, and no single ball or rifled slug weighing less than one-half ounce may be used. Archery hunters must be equipped with a non-mechanical bow of not less than 40 pounds pull capable of shooting an arrow 150 yards, the cutting edge of which shall be of steel and be not less than 7/8 inch in width and not less than 1½ inches in length, and the shaft of said arrow shall not be less than 24 inches in length. Bow and arrow hunters may not carry any firearms, cross bows, explosives, poisonous or barbed arrow points.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective through December 31, 1961.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 25, 1961.

[F.R. Doc. 61-10364; Filed, Oct. 31, 1961; 8:48 a.m.]

PART 33—SPORT FISHING

Rice Lake National Wildlife Refuge, Minnesota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MINNESOTA

RICE LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Rice Lake National Wildlife Refuge, Minnesota, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 5,000 acres or 100 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, perch, bullheads, and other minor species permitted under State regulations.

(b) Open season: Daylight hours from December 1, 1961, through February 15, 1962.

(c) Daily creel limits: Northern pike—3; perch—no limit; bullheads—50; creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing: (1) Tackle: No more than one line and one hook may be used, except that three artificial flies may be used in angling for large and small-mouthed black bass, crappies, sunfish or rock bass, and except that a single artificial bait may contain more than one hook.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to February 16, 1962.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 25, 1961.

[F.R. Doc. 61-10362; Filed, Oct. 31, 1961; 8:48 a.m.]

PART 33—SPORT FISHING

Sand Lake National Wildlife Refuge, South Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

SOUTH DAKOTA

SAND LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Sand Lake National Wildlife Refuge, South Dakota, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 150 acres or 5 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, bullheads, and other minor species permitted by State regulations.

(b) Open season: Daylight hours from December 1, 1961, through February 15, 1962.

(c) Daily creel limits: Northern pike—6; bullheads—50; creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing: (1) Tackle—anglers may use a maximum of two lines, and a maximum of three hooks on each line. Artificial lures constitute one hook, regardless of the number of gang hooks attached.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to February 16, 1962.

R. W. BURELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 25, 1961.

[F.R. Doc. 61-10365; Filed, Oct. 31, 1961; 8:48 a.m.]

PART 33—SPORT FISHING

Waubay National Wildlife Refuge, South Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

SOUTH DAKOTA

WAUBAY NATIONAL WILDLIFE REFUGE

Sport fishing on the Waubay National Wildlife Refuge, South Dakota, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 320 acres or 16 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: Daylight hours from December 1, 1961, through February 28, 1962.

(c) Daily creel limits: Northern pike—6; perch—50; bullheads—50; creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing: (1) Tackle—anglers may use a maximum of two lines, and a maximum of three hooks on each line. Artificial lures constitute one hook, regardless of the number of gang hooks attached.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to March 1, 1962.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 25, 1961.

[F.R. Doc. 61-10366; Filed, Oct. 31, 1961; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 943]

[Docket No. AO 231–A16]

MILK IN NORTH TEXAS MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provision of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Dallas, Texas, on July 24, 1961, pursuant to notice thereof issued on July 14, 1961 (26 F.R. 6452).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Secretary, United States Department of Agriculture, on September 15, 1961 (26 F.R. 8908; F.R. Doc. 61–9046) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issue on the record of the hearing relates to revision of the supply-demand adjustment component of the Class I pricing formula.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Producers' proposed modification of the supply-demand adjustment mechanism of the Class I pricing formula should be adopted.

Under the existing order provisions the amount of the supply-demand adjustment is determined by a direct comparison of the supply-sales relationship for the 2d and 3d preceding months with fixed specified monthly standard utilization ranges which average 113–119 percent on an annual basis. The amount and direction of the adjustment is a composite of the deviations computed for the current and two immediately preceding pricing months, eliminating any deviation in a preceding month which is in an opposite direction from a subsequent month and any amount by which the deviation in a preceding month exceeds that of a more recent month.

The Texas Milk Producers' Federation proposed the changes herein recommended contending that the existing supply-demand adjustment mechanism has not appropriately reflected trends in supplies and Class I sales and that it is too sensitive and has produced extremely variable and contraseasonal Class I price changes. In support of their proposal proponents pointed out that during the 44 months period immediately preceding the hearing, the amount of supply-demand adjustment changed 37 times, that eleven of these changes (30 percent) adjusted the price in a different direction from the adjustment of the preceding month and that forty-two percent of the changes were in amounts of less than four cents. This situation, proponents contend, has been confusing to producers and as a result the action of the adjustment mechanism has not tended to encourage appropriate supply adjustments.

The mechanism which producers proposed cannot be expected to reflect the current supply-demand situation as accurately as the existing mechanism. However, it does provide a basis for adjusting the "norm" or standard utilization percentage to reflect changing seasonality of supplies and sales which the existing mechanism does not provide. Further, it cannot be concluded, as producers suggest, that the adjustments under the recommended procedure will reflect trends in the supply-demand relationship to any greater degree than the existing mechanism. The use of the four-month mover, in lieu of the existing two-month mover, however, tends to mask variations in month-to-month supply-demand relationships and accordingly can be expected to provide less variation in month-to-month price adjustments. Since this is the objective which producers aim to achieve, and since, as indicated later in this decision, the annual level of price is not affected there is no compelling reason why it should not be adopted.

The base period should be the 12-month period extending from the 2d to the 14th month preceding the pricing month. To determine changes in seasonality of supplies and sales a utilization percentage (ratio of supplies to sales) for the immediately preceding four-month period and for the same four months of the preceding year should be computed and compared to the utilization percentage for the base period. This comparison provides a basis for adjusting the "norm" or standard to reflect the current seasonality of supplies and sales.

Under the present order provisions the normal relationship between supply and sales at which no adjustment is made is expressed as stated monthly ranges which average 113–119 on an annual basis. Proponents suggested that the 118 percent, which approximates the average supply-sales relationship for the five markets during the past three years, be used. The use of 118 percent in conjunction with the new scheme of adjustments provided will tend to provide a level of Class I pricing essentially the same as that which the existing provision has provided.

The relationship established between supplies and sales in the two four-month periods and in the base period should be applied to the 118 percent to establish the "norm" or standard for comparing with actual utilization in the four-month period ending with the second preceding month. The deviation between the two percentages would indicate the direction and extent of desirable price adjustments.

Each price adjustment should reflect the deviation percentage for the current and the preceding pricing month. Thus, if August were the pricing month, the deviation percentage for such month would reflect the supply-sales relationship for the preceding March, April, May, and June, and the deviation percentage for the preceding month (July) would reflect the supply-sales relationship for the months of February, March, April and May. The two deviation percentages to be used in determining the price adjustment for the month should be applied in a manner so that the most recent of the two deviations is given more importance than the earlier deviation. This is accomplished by eliminating any deviation for the preceding month which is in the opposite direction from that of the current month and reducing any deviation for the preceding month to the extent that it exceeds the deviation for the current month. The sum of the resulting adjusted deviation percentages provides the basis for price adjustments. The price adjustment would be upward or downward depending on whether the sum of the adjusted deviation percentages reflects utilization below or above, respectively, the standard utilization percentages. Each percentage point variation from the standard would represent an indicated one-cent price change. However, to eliminate minor fluctuating price changes no additional adjustment from that effective in the preceding month should be made unless the indicated adjustment exceeds that of the preceding month by more than three cents. This procedure was supported by producers who contend that minor fluctuation in the amount of the adjustor is confusing to producers and serves no useful purpose.

Official notice is taken of the market administrator's Class I price announcement for the months of August and September 1961. The procedure herein recommended would have produced virtually the identical level of pricing which has been in effect during the period since January 1960. However, the variations in the amount of the month-to-month adjustments would have been substantially reduced. Thus the recommended procedure meets producers' objections to the existing procedure while at the same time providing assurance that an appropriate price level will be maintained.

In addition to the changes herein recommended producers also proposed that the amount of the supply-demand ad-

justment in any month be limited to not more than 25 cents from that of the same month of the previous year.

There is no prospect that the recommended mechanism will provide an adjustment during the current fall and winter months more than 25 cents greater than that of last year. Further, since the current adjustment under the recommended mechanism would be 30 cents it would not be possible in view of the maximum adjustment of 50 cents provided, for the adjustment during the fall and winter months of 1962–63 to exceed those of this year by more than 25 cents. If the twenty-five-cent limitation were adopted, however, and the supply-demand relationship should change significantly it is possible that the limitation would restrict a price increase which producers might otherwise receive as a result of the action of the adjustor and which might be necessary to bring forth the necessary market supply. On the other hand, producers pointed out that the adjustments provided by the existing mechanism during the flush production months of 1961, when compared to those provided during the previous fall months, probably were less than were appropriate. A continuation of the present trend in supply-sales relationship will likely provide adjustments during the flush production months of 1962 which will exceed those of the corresponding months of this year by more than 25 cents. Hence, the adoption of the 25-cent limitation might well result in adjustments during the 1962 flush production season which would be less than those actually in effect this fall. Elimination of contraseasonal price adjustments was one of proponent's principal arguments for changing the adjustment mechanism. In view of the above considerations, the adoption of the 25-cent limitation would be inappropriate.

Proponents suggested (in line with their position that when the indicated adjustment for any month varies from the adjustment of the previous month by less than 4 cents, the adjustment of the previous month should be used) that if the adjustment indicated for the first month under the amended order varies from that of the preceding month by less than 4 cents the adjustment of the preceding month should be used. Official notice is taken that the amount of the adjustment for the months of August and September 1961, has been set by suspension action. It is possible that the indicated adjustment over an extended period following amendment of the order could be higher or lower, than the adjustment set by suspension, but, nevertheless, within four cents of that amount. Under such circumstances producers could receive a price either higher or lower than that herein concluded to be appropriate. It is concluded, therefore, that in computing the adjustment for the first month under the amended order the relationship to the adjustment applicable in the immediately preceding month should be disregarded.

No exceptions were filed to this conclusion. However, producers called attention to the fact that the order language did not appear to implement this position. The order language has been clarified in this regard.

A handler proposed the complete elimination of the supply-demand adjustment mechanism and a 15-cent reduction in the specified differentials which are added to the basic formula price to determine the Class I price. He further proposed a contraseasonal provision which would prevent the price from falling during the fall months and from rising during the spring months. He contended that no satisfactory supply-demand adjustment mechanism has yet been devised for the North Texas market notwithstanding the fact that the matter had been under consideration at numerous hearings. He further contended that the adjustment mechanism proposed and herein recommended would not be understood by producers and therefore could not be effective in achieving its intended purpose.

Notwithstanding proponents position the supply-demand adjustment mechanism has served to adjust the Class I price in response to changes in supply and sales relationship in the five Texas markets. The proposed 15-cent adjustment in the Class I price level would provide a higher price than that presently in effect despite the fact that the market is in an oversupply situation. Further, there would be no procedure other than amendment hearings whereby the price level could be adjusted in response to changing supply-demand relationships. Under the procedure herein recommended producers have assurance that their Class I price will be maintained at that level necessary to bring forth an adequate supply of milk to meet the fluid milk requirements of the market. Accordingly, the proposal is denied.

Proponent in his exceptions suggested that his proposed 15-cent reduction in the specified differentials to be added to the basic formula price to determine the Class I price was intended to be merely suggestive. He contended that it was his intent that the Department eliminate the supply-demand mechanism and make whatever price adjustment was necessary to compensate for this change. This position is not apparent from the record, however.

Proponent also pointed out that adoption of his proposal would eliminate contraseasonal pricing. He further suggested that in light of previous actions involving the supply-demand adjustment mechanism it seemed likely that future requests for modification of the mechanism would be considered whenever significant price adjustment were indicated. Hence there could be no assurance that the recommended mechanism would be effective in adjusting the Class I price to reflect the actual supply-demand situation in the market.

It cannot be anticipated what the market situation may be at some future date. Neither can it be anticipated what action might be taken on future requests for order amendments. For reasons previously stated, it is desirable that a supply-demand adjustment mechanism be continued under the order. While adoption of proponent's proposal would eliminate the possibility of contraseasonal pricing, it is not apparent that this would be achieved in a way which would be in the best interest of the market. It is more necessary that the current Class I price reflect as accurately as possible the current supply-demand situation.

Rulings on proposed findings and conclusions. A brief and addendum with proposed findings and conclusions was filed on behalf of an interested party. This brief and addendum, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by the interested party are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, the exceptions received were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the North Texas

Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the North Texas Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of August 1961 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the North Texas marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on October 26, 1961.

CHARLES S. MURPHY,
Acting Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the North Texas Marketing Area

§ 943.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended and as hereby further amended:

Delete § 943.51(a) and substitute therefor the following:

(a) *Class I milk.* The basic formula price for the preceding month (rounded to the nearest one-tenth of a cent) plus $1.85 for the months of March through June and plus $2.25 for all other months, subject to a supply-demand adjustment of not more than 50 cents computed as follows:

(1) Divide the total receipts of producer milk by the total volume of Class I milk (excluding interhandler transfers and any intermarket transfers that would result in the same milk being accounted for the second time as Class I milk) under this Part and Parts 949, 952, 982, and 998 of this Chapter regulating the handling of milk in the North Texas, San Antonio, Austin-Waco, Central West Texas and Corpus Christi marketing areas, respectively, in each of the following periods and round to one-tenth of one percent:

(i) The one-year period ending with the second preceding month;

(ii) The four-month period ending with the second preceding month; and

(iii) The four-month period ending with the second preceding month and the same period of the preceding year.

(2) Divide the utilization percentage computed pursuant to subparagraph (1)(iii) of this paragraph by the utilization percentage computed pursuant to subparagraph (1)(i) of this paragraph. Adjust the resulting "seasonal ratio" as follows:

(i) Add to the seasonal ratio a similar computation for each of the 11 preceding periods;

(ii) Divide 12 by the sum thus obtained; and

(iii) Divide the seasonal ratio by the quotient obtained in subdivision (ii) of this subparagraph.

(3) Compute the standard utilization percentage by multiplying the adjusted seasonal ratio of subparagraph (2)(iii) of this paragraph by 118.0.

(4) Subtract from the standard utilization percentage computed pursuant to subparagraph (3) of this paragraph the current utilization percentage computed pursuant to subparagraph (1)(ii) of this paragraph and round to the nearest full percentage. The result is the deviation percentage.

(5) Compute a sum of the deviation percentages for the current and the preceding month, excluding the deviation percentage for the preceding month when it is in the opposite direction from the deviation percentage of the current month, and excluding when it is the same direction, any amount by which such deviation percentage exceeds the deviation percentage for the current month.

(6) Compute the number of cents which is one times the sum of the plus or minus deviation percentages, as the case may be, computed pursuant to subparagraph (5) of this paragraph and increase or decrease, respectively, the Class I price by such sum: *Provided,* That after the first month in which this provision is effective if such adjustment varies from that for the preceding month by less than 4 cents, the supply-demand adjustment for the preceding month shall be the supply-demand adjustment for the current month.

[F.R. Doc. 61-10378; Filed, Oct. 31, 1961; 8:50 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

CIVIL AERONAUTICS BOARD

[14 CFR Part 227]

[Economic Regs. Docket No. 13142]

TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Proposed Reduced Rate Transportation for Members of the Immediate Families of Military Personnel Stationed Overseas

OCTOBER 30, 1961.

Notice is hereby given that the Civil Aeronautics Board is proposing new rules which will permit air carriers to file tariffs providing for reduced-rate transportation for certain limited travel of members of the immediate families of military personnel stationed overseas. The principal features of the proposed rules are explained in the Explanatory Statement below, and the proposed rules are set forth below. These rules are proposed under the authority of section 204(a) and 403(b) of the Federal Aviation Act of 1958 (72 Stat. 743, 759; 49 U.S.C. 1324, 1373).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before November 13, 1961 will be considered by the Board before taking final action on the proposed rules. Upon receipt by the Board, copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Part 227 of the Board's Economic Regulations (14 CFR Part 227) contains rules which permit any air carrier or foreign air carrier to furnish foreign or overseas air transportation at reduced rates to personnel of the U.S. Armed Forces stationed outside the continental United States and traveling at their own expense while on official furlough, leave or pass.

The Board has received requests from the Department of Defense and an air carrier to broaden Part 227 to permit members of the immediate family of such military personnel to enjoy limited travel in foreign or overseas air transportation at reduced rates. It is the view of the Department of Defense that air travel by furloughed military personnel as well as their dependents is essential to the morale of the overseas forces of the United States and that generally such persons are not financially able to pay presently established fares for air transportation.

Under section 102 of the Act, the Board, in the exercise and performance of its powers and duties, is required to consider as being in the public interest the encouragement and development of an air transportation system properly adapted to the needs of the national defense. In this respect the Board is of the view that reduced rates for members of the immediate families of military personnel stationed overseas will contribute toward maintaining the morale of such personnel and thus aid in the national defense.

Accordingly, the Board proposes herein various amendments to Part 227 which will permit carriers to file tariffs providing for reduced rates on an individually ticketed basis, for limited travel in foreign or overseas air transportation for members of the immediate families of such military personnel.

Proposed rules. In view of the foregoing the Board proposes to amend Part 227 (14 CFR Part 227) as follows:

§ 227.1 [Amendment]

1. By amending paragraph (b) of § 227.1 to read:

(b) "Reduced rate transportation" means the carriage by a carrier subject to the provisions of this part of any furloughed military personnel or members of the immediate family of military personnel on active duty status and stationed outside the continental United States, for compensation specified in the applicable tariff * * * [remainder unchanged]

2. By adding a new paragraph (d) to § 227.1 of this part to read:

(d) "Immediate family" means the spouse and dependent children, living in the same household, of a member of the Armed Forces of the United States who is on active duty status and stationed outside the continental United States.

3. By amending § 227.2 of this part to read:

§ 227.2 Conditions governing the furnishing of reduced-rate transportation.

Subject to compliance with the other provisions of this part and with the limitations imposed in an air carrier's certificate of public convenience and necessity, issued under section 401 of the Act; in the applicable regulation or order of the Board authorizing an air carrier's operation; or in a foreign air carrier's foreign air carrier permit issued under section 402 of the Act, any air carrier or foreign air carrier may furnish reduced-rate transportation to:

(a) Furloughed military personnel traveling on through tickets calling for overseas or foreign air transportation and where the trip originates at a foreign or overseas point.

(b) Members of the immediate family of military personnel traveling on round-trip tickets calling for overseas or foreign air transportation: *Provided,* That such members are accompanied on the trip by such personnel, and the trip originates and terminates at a foreign or overseas point.

(c) Members of the immediate family of military personnel traveling on one-way through ticket calling for overseas or foreign air transportation from an overseas or foreign point to the United States, its territories or possessions.

§ 227.4 [Amendment]

4. By changing the section heading of § 227.4 to read *Identification;* redesignating present § 227.4 as paragraph (a) of § 227.4; and adding a new paragraph (b) to § 227.4 to read:

(b) *Identification of members of the immediate family.* No air carrier or foreign air carrier shall sell reduced-rate tickets or furnish reduced-rate transportation, pursuant to this part, to the immediate family of any member of the Armed Forces of the United States unless such member shall execute and have countersigned by his Commanding Officer and deliver to the representatives of the carrier at the time of sale a declaration of eligibility reading as follows:

"I declare that I am a member of the United States Armed Forces on active duty status and stationed outside the continental United States and that I am purchasing a ticket or tickets for _____ who is (are) my spouse and dependent child (children) for travel in foreign or overseas air transportation."

_____
(Signed)

_____
(Grade)

_____
(Branch of Service)

_____
(Service number)

_____
(Commanding Officer)

5. By amending the heading of Part 227 to read: "Part 227—Tariffs of Air Carriers and Foreign Air Carriers: Reduced Rates for Furloughed Military Personnel and Immediate Families of Military Personnel".

[F.R. Doc. 61-10462; Filed, Oct. 31, 1961; 9:44 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563]

[FSLIC-1,220]

OPERATIONS

Amendment of Resolution Proposing Amendment Relating to Loans and Investments

OCTOBER 26, 1961.

Resolved that Federal Home Loan Bank Board Resolution No. FSLIC-1,202, dated October 4, 1961 (26 F.R. 9557), proposing that § 563.9 of the rules and regulations for Insurance of Accounts (12 CFR 563.9) be amended by an amendment the substance of which is set forth in said resolution, is hereby amended as follows:

The last sentence of said resolution, which provides that all written data, views, or arguments on the issues set forth in said resolution must be received through the mail or otherwise at the office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D.C., not later than November 7, 1961, to be entitled to be considered, but that any received later may be considered in the discretion of the Federal Home Loan Bank Board, is hereby amended by striking "November 7, 1961" and inserting in lieu thereof "November 13, 1961".

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 61-10391; Filed, Oct. 31, 1961; 8:53 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14245]

DEINTERMIXTURE OF COLUMBIA, S.C.

Order Extending Time for Filing Responsive Pleadings

1. The Commission has before it a motion, filed October 19, 1961, by The Broadcasting Company of the South, licensee of Station WIS-TV (Channel 10), Columbia, South Carolina, requesting that the time for it to file an opposition to the "Petition To Amend Notice of Proposed Rule Making" filed on October 9, 1961, by Wilton E. Hall, permittee of Station WAIM-TV, (Channel 40), Anderson, South Carolina, in this proceeding be extended to October 31, 1961.

2. The notice of proposed rule making released by the Commission on August

3, 1961, in this proceeding invited comments on a proposal to deintermix Columbia, South Carolina, to all UHF television channel assignments by deleting VHF Channel 10. The Hall petition requests that we amend this notice to invite comments on a proposal for assignment of Channel 10 to Anderson, South Carolina, if it is deleted from Columbia.

3. The Broadcasting Company of the South asserts that the extension of time it requests is necessary because the illness of its consulting engineer has delayed its completion of engineering studies needed in the preparation of its comments on the Hall petition. It advises that Hall and all other known parties to the proceeding have no objection to the requested extension of time. It urges that the grant of its request will not prejudice any party or delay the proceeding.

4. The Commission believes, in light of the matters raised by the Hall petition, that the requested additional time for commenting upon it is warranted and is in the public interest.

5. *Accordingly, it is ordered,* This 24th day of October 1961, that the motion of The Broadcasting Company of the South for extension of time is granted; and that the time for filing responses to the petition of Wilton E. Hall herein is extended to October 31, 1961.

6. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.241(d)(8) of the Commission's rules.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10402; Filed, Oct. 31, 1961; 8:54 a.m.]

[47 CFR Part 12]

[Docket No. 14349; FCC 61-1267]

AMATEUR RADIO SERVICE

Proposed Availability of Certain Frequency Bands in Alaska and Hawaii

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The State of Alaska, Department of Public Safety, requested by letter that the frequency bands 7245–7255 and 14,220–14,230 kc/s be made available to Radio Amateur Civil Emergency Service (RACES) stations in Alaska. The letter stated that the lack of any 40 and 20 meter frequencies for Alaskan RACES stations coupled with the distances involved in communicating with the continental United States preclude their participation in actual or simulated Civil Defense operations. It would appear that Hawaiian RACES stations face the same problem.

3. In a Report and Order, Docket 12719, released May 29, 1959, the Commission amended § 12.231(a) of the rules making additional amateur frequencies available for RACES. Because of the then existing requirements of other governmental agencies having primary responsibility for national defense functions, however, these additional frequencies were not made available to Alaska, Hawaii or the territories or possessions of the United States. Further coordination by the Commission with the governmental agencies concerned has indicated that the earlier difficulties have been resolved with respect to making the bands 7245–7255 and 14,220–14,230 kc/s available for RACES operation in Alaska and Hawaii. Accordingly, the Commission is proposing to amend § 12.231(a)(2) to make the frequency bands 7245–7255 and 14,220–14,230 kc/s available for use by authorized stations in Alaska and Hawaii.

4. Authority for the proposed amendment is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

5. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before January 2, 1962 and reply comments on or before January 15, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

6. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs, and comments filed should be furnished the Commission.

Adopted: October 25, 1961.

Released: October 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10403; Filed, Oct. 31, 1961; 8:54 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 176]

[Ex Parte No. MC-51]

TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Proposed Pooling by Motor Common Carriers of Household Goods

OCTOBER 24, 1961.

On October 12, 1961, a report proposed by the Bureau of Finance was served on the parties to this proceeding, together with a draft of tentative rules to be prescribed (26 F.R. 9786) and a questionnaire to which responses are to be made on or before February 28, 1962.

Part A, page 3, of the questionnaire, to be completed by the principal carrier, contains the following:

3. Attach as Exhibit A copies of all outstanding agreements or contracts with your carrier and noncarrier agents, and other persons, concerning (a) the soliciting, transporting, and surrender of shipments of household goods; (b) the performance of services of any kind, including accessorial services, in connection therewith; and (c) the leasing of motor vehicles, terminals, warehouses, or space in terminals and warehouses, in connection with such transportation and/or services.

Where the carrier uses a standard form for such agreements or contracts, one copy of each such form of agreement or contract, as representative, with a list of the names and headquarters of all contracting parties thereto, may be furnished in lieu of copies of each executed agreement or contract.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-10387; Filed, Oct. 31, 1961; 8:52 a.m.]

Notices

POST OFFICE DEPARTMENT

DIRECTOR, REALTY DIVISION, BUREAU OF FACILITIES

Delegation of Authority With Respect to Real Property Management; Correction

The introductory paragraph in FEDERAL REGISTER Document 61–10150, appearing at page 10002 of the issue of October 25, 1961, is corrected by striking out "Order Number 179" therein and inserting in lieu thereof "Order Number 201". As so corrected, the introductory paragraph reads as follows: "The following is the text of Order Number 201 of the Acting Assistant Postmaster General, Bureau of Facilities, dated October 11, 1961:"

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61–10375; Filed, Oct. 31, 1961; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order 83]

CERTAIN OFFICIALS

Delegation of Authority To Permit Inspection of Returns and Related Documents

Pursuant to authority vested in me by Treasury Decision 6543, approved by the President January 17, 1961, District Directors, the Director of International Operations, and the Director of the Collection Division are authorized:

1. To permit inspection of returns in their custody by any applicant eligible therefor in accordance with paragraph (c) of § 301.6103(a)–1 of Treasury Decision 6543, including any applicant with respect to whom inspection is made discretionary with the Secretary or the Commissioner or the delegate of either, provided such applicant meets the requirements embodied by such paragraph. The authority delegated in this paragraph of this order is limited to returns as filed by or on behalf of the taxpayer, including any schedules, lists and other written statements which have been filed with the Internal Revenue Service by or on behalf of the taxpayer or which have previously been furnished by the Service to the taxpayer.

2. To permit inspection of returns in their custody by United States attorneys and attorneys of the Department of Justice in accordance with paragraph (g) of § 301.6103(a)–1 of Treasury Decision 6543, and to furnish returns, or copies thereof, to such attorneys in accordance with paragraph (h) of such section. The authority delegated in this paragraph of this order is limited to returns as filed by or on behalf of the taxpayer, including any schedules, lists and other written statements which have been filed with the Internal Revenue Service by or on behalf of the taxpayer or which have previously been furnished by the Service to the taxpayer, except that other records or reports containing information included or required by statute to be included in the return may be furnished (a) when the return or copy thereof is requested for official use in the prosecution of claims and demands by, and offenses against, the United States, or the defense of claims and demands against the United States or officers and employees thereof, in cases arising under the internal revenue laws or related statutes which were referred by the Department of the Treasury to the Department of Justice for such prosecution or defense, or (b) in cases not so referred, when so authorized by the Assistant Commissioner (Compliance). The authority delegated herein may not be redelegated.

Date of issue: October 16, 1961.

Effective date: October 16, 1961.

[SEAL] WILLIAM H. LOEB,
Acting Commissioner.

[F.R. Doc. 61–10390; Filed, Oct. 31, 1961; 8:52 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 164]

NEVADA

Small Tract Classification; Amendment

1. Effective October 24, 1961, Federal Register Document 58–8759 appearing on page 8163 of the issue for October 23, 1958, is revoked as to the following described lands:

MOUNT DIABLO MERIDIAN

T. 14 N., R. 19 E.,
Sec. 12, N½SE¼.
T. 14 N., R. 20 E.,
Sec. 7, Lot 2 of the SW¼.

The areas described aggregate 145.11 acres.

2. The land is situated about 5 miles south of the city limits of Carson City, Nevada, at an elevation of approximately 4,900 feet above sea level. The climate is dry and the area is used extensively for mining. The topography of the land is a steep hillside, cut by arroyos, having very shallow rocky soils.

3. The public lands affected by this order are hereby restored as of 10:00 a.m. on November 28, 1961 to the operation of the public land laws, subject to any valid existing rights, the provisions of the existing withdrawals, and the requirements of applicable laws, rules and regulations.

DANIEL P. BAKER,
Chief, Division of Lands and Minerals Management.

OCTOBER 24, 1961.

[F.R. Doc. 61–10368; Filed, Oct. 31, 1961; 8:49 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 23,1961.

The Bureau of Reclamation, United States Department of the Interior, has filed an application, Serial Number Sacramento 068102 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining and mineral leasing laws, subject to existing valid claims. The applicant desires the land for the construction, operation and maintenance of the proposed Nashville Unit, Cosumnes River Division of the Central Valley Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 1000, California Fruit Building, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 7 N., R. 10 E.,
Sec. 2: Unpatented Mineral Lot 62.
T. 8 N., R. 10 E.,
Sec. 2: Lot 7, unpatented portions of Mineral Lot 39;
Sec. 12: Lots 6 and 7, unpatented Mineral Survey 6122, S½NE¼, excepting Mineral Survey 4582, NW¼NW¼SW¼, SE¼SW¼SE¼, SW¼SE¼SE¼;
Sec. 15: NW¼SE¼;
Sec. 22: SE¼NW¼;
Sec. 23: That portion of Lot 5 segregated as Mineral land, Lots 7 and 8;
Sec. 35: Lot 2.
T. 9 N., R. 10 E.,
Sec. 1: SE¼NE¼ except those portions in Mineral Surveys 5815 and 5869;
Sec. 12: Lot 1, Lot 2 excepting patented Mineral Survey 5422; Lots 7 and 9; Lots 15 and 16 excepting Mineral Survey 6300; Lots 22, 24; SE¼SW¼ excepting Mineral Survey 5423; unpatented portions of Mineral Survey 6303 and Stingaree Quartz Mine; and unpatented Yellow Jacket Quartz Mine and New El Dorado Quartz Mine;

Sec. 13: Lot 6 excepting Mineral Survey 5774, Lots 7 and 10 excepting Mineral Survey 5817, Lots 11, 12, unpatented Mineral Surveys 3650A and 3650B;
Sec. 14: Lot 5, unpatented Mineral Survey 4098;
Sec. 23: E½ Lot 1, unpatented portion of Mineral Survey 4098, E½SE¼NE¼;
Sec. 24: Unpatented Mineral Survey 3650A, SW¼NW¼;
Sec. 25: NE¼NE¼NW¼, S½NE¼NW¼;
Sec. 26: E½NE¼;
Sec. 35: Unpatented Mineral Lot 43.

T. 9 N., R. 11 E.,
Sec. 7: East 20 acres of Lots 3 and 4;
Sec. 10: SW¼NE¼SE¼;
Sec. 15: NW¼SW¼;
Sec. 18: East 20 acres of Lots 1, 2, 3, and north half of east 20 acres of Lot 4;
Sec. 19: Lot 4, E½NE¼NW¼, SE¼NE¼SW¼, SE¼SW¼, S½NW¼SE¼, SW¼SE¼;
Sec. 20: N½NE¼, N½SW¼NE¼, SW¼SW¼NE¼, SE¼SE¼NE¼, SE¼NW¼, NE¼NE¼SE¼, S½NE¼SE¼;
Sec. 21: NW¼NW¼.

T. 8 N., R. 13 E.,
Sec. 11: S½NE¼, N½NW¼SE¼;
Sec. 12: NW¼SW¼, S½SE¼;
Sec. 13: NE¼NE¼.

T. 8 N., R. 14 E.,
Sec. 4: N½SW¼, SE¼SW¼, NW¼SE¼, S½SE¼;
Sec. 9: NW¼NE¼, E½NW¼;
Sec. 10: NW¼NE¼, S½NE¼, NW¼, NW¼SE¼;
Sec. 11: N½.

The areas described above aggregate approximately 2,655 acres, of which 1,260 acres in Tps. 8 N., Rs. 13 and 14 E., are in the El Dorado National Forest.

The applicant agency desires the withdrawal of the land described below from location and entry under the general mining and mineral leasing laws only, as these lands are patented, having been patented under the Stockraising Homestead Act of December 29, 1916 (39 Stat. 862) with a reservation of all minerals to the United States:

MOUNT DIABLO MERIDIAN

T. 9 N., R. 10 E.,
Sec. 25: Lots 1, 2, 3, and 4.

The areas described above aggregate 80.76 acres of patented land.

WALTER E. BECK,
Manager, Land Office, Sacramento.

[F.R. Doc. 61-10369; Filed, Oct. 31, 1961; 8:49 a.m.]

WYOMING

Correction Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 24, 1961.

The Notice of Proposed Withdrawal and Reservation of Lands in behalf of the Forest Service, U.S. Department of Agriculture, Serial Number Wyoming 0146198, published as F.R. Document 61-8007 on page 7812 of the FEDERAL REGISTER issued August 22, 1961, showed the total area 15,463.28 acres, more or less, as to the lands withdrawn. This acreage figure was in error. The correct acreage of lands in the proposed withdrawal for the roadside zones is 3,928 acres, more or less.

THOMAS H. FLOYD, Jr.,
Land Office Manager.

[F.R. Doc. 61-10370; Filed, Oct. 31, 1961; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 456]

MARKET AGENCIES AT UNION STOCK YARDS

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on December 14, 1959 (18 A.D. 1393), authorizing the respondents, Market Agencies at Union Stock Yards, Ogden, Utah, to assess the current temporary schedule of rates and charges to and including December 19, 1961, unless modified or extended by further order before the latter date.

By a petition filed on October 11, 1961, as amended by a document filed on October 23, 1961, the respondents requested authority to modify the current temporary schedule of rates and charges as indicated below.

SECTION II—SELLING COMMISSIONS

	Rate per head	
	Proposed	Present
A. Cattle	$1.45	$1.35
B. Calves	.95	.85
C. Hogs: Consignments of one head only	.65	.60
Consignments of more than one head:		
First 10 head in each consignment	.50	.50
Next 15 head in each consignment	.45	.45
Each head over 25 in each consignment	.40	.35
D. Sheep—Consignments of 179 head or less:		
First 20 head in each consignment	.55	.50
Next 30 head in each consignment	.39	.34
Next 129 head in each consignment	.17	.12
Consignments of 180 head and over:		
A flat rate of $0.25 per head [presently $0.20 per head] will be assessed on the entire consignment.		
E. Horses and Mules: Horses and Mules, irrespective of weight and age	5.00	2.50
[The following provisions would be deleted:		
All horses and mule sales to include halters, furnished at a price of $0.50 per head, in addition to the commission charge.		
A charge of $1.00 per head, plus $0.60 for feed shall be made on all horses and mules passing through the auction and offered for sale, where the animal is bid in by the owner.]		
* * * *		
G. Sale Condition: [New provision]		
A full selling commission shall be assessed on all livestock passing through the Auction Ring and offered for sale.		

SECTION III—BUYING CHARGES

The rates for buying livestock shall be the same as selling like species except as follows:

When livestock received for sale on a commission basis is used to fill, in whole or part of an order received from a buyer, the agency will be presumed to be acting solely as an agent of the consignor and shall collect the regular selling charges from the consignor. Collection shall also be made from the buyer to cover expenses incurred of an amount equal to one-half the regular buying charge on cattle, calves and hogs and a flat rate of twelve and one-half (12½) cents per head [presently $0.08 per head] on sheep.

The modifications, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 27th day of October 1961.

LEE D. SINCLAIR,
Acting Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61-10404; Filed, Oct. 31, 1961; 8:54 a.m.]

Agricultural Research Service

CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses

Pursuant to Section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181 the following table lists the establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which were officially reported on October 1, 1961, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Establishments reported after October 1, as using humane methods on October 1, or a later date in October will be listed in a supplemental list. Previously published lists represented establishments reported in September or October 1961 as humanely slaughtering and handling the designated species of livestock on September 1 or some later date in September 1961 (26 F.R. 9561 and 9877). The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co	2AD	(*)	(*)				
Do	2AG	(*)					
Do	2AT	(*)		(*)		(*)	
Do	2AU	(*)		(*)			
Do	2B	(*)	(*)			(*)	
Do	2C	(*)		(*)		(*)	
Do	2E	(*)		(*)		(*)	
Do	2F	(*)	(*)	(*)	(*)		
Do	2H	(*)	(*)	(*)		(*)	
Do	2HT	(*)	(*)				
Do	2LT	(*)					
Do	2SD	(*)		(*)		(*)	
Do	2WN	(*)	(*)				
Swift and Co	3A	(*)	(*)	(*)		(*)	
Do	3AC	(*)				(*)	
Do	3AE	(*)	(*)			(*)	
Do	3AF	(*)	(*)				
Do	3AN	(*)	(*)			(*)	
Do	3AW	(*)				(*)	
Do	3B	(*)	(*)	(*)		(*)	
Do	3C	(*)	(*)	(*)		(*)	
Do	3CC	(*)		(*)			
Do	3D	(*)	(*)	(*)		(*)	
Do	3E	(*)	(*)	(*)		(*)	
Do	3F	(*)	(*)	(*)	(*)	(*)	
Do	3FF	(*)	(*)	(*)		(*)	
Do	3K	(*)	(*)				
Do	3L	(*)				(*)	
Do	3N	(*)	(*)	(*)		(*)	
Do	3NN	(*)	(*)	(*)		(*)	
Do	3R	(*)	(*)			(*)	
Do	3S					(*)	
Do	3T	(*)	(*)				
Do	3UU	(*)	(*)	(*)		(*)	
Do	3W	(*)	(*)			(*)	
Do	3Z	(*)	(*)				
Do	6C	(*)	(*)	(*)		(*)	
Lykes Bros., Inc	8	(*)				(*)	
Do	8B	(*)					
Hygrade Food Products Corp	12	(*)	(*)	(*)		(*)	
Do	12A	(*)				(*)	
Do	12C	(*)	(*)	(*)		(*)	
Do	12D	(*)					
Do	12G	(*)	(*)			(*)	
Do	12P	(*)					
Mickelberrys Food Products Co	16					(*)	
John Morrell and Co	17	(*)				(*)	
Do	17A	(*)				(*)	
Do	17D	(*)		(*)		(*)	
C. Finkbeiner, Inc	18	(*)				(*)	
The Cudahy Packing Co	19	(*)				(*)	
The Cudahy Packing Co. of Nebraska	19E	(*)	(*)	(*)		(*)	
Wilson and Co., Inc	20A	(*)				(*)	
Do	20N	(*)	(*)	(*)		(*)	
Do	20Q	(*)	(*)			(*)	
Do	20Y	(*)	(*)	(*)		(*)	
Swift and Co	23	(*)		(*)			
Brander Meat Co	25	(*)	(*)	(*)	(*)	(*)	
American Packing Co	26	(*)	(*)	(*)		(*)	
The Sperry and Barnes Co	27C					(*)	
Patrick Cudahy, Inc	28	(*)				(*)	
Kreinberg and Krasny, Inc	30	(*)					
Roegelein Provision Co	32	(*)	(*)			(*)	
Valleydale Packers, Inc	34	(*)	(*)	(*)		(*)	
Armour and Co	35	(*)				(*)	
Kenton Packing Co	36	(*)					
Montana Packing Co., Inc	37	(*)	(*)	(*)			
Pocomoke Provision Co	39	(*)					
Armour and Co	40	(*)				(*)	
Sunnyland Packing Co	43	(*)				(*)	
Stark Wetzel and Co., Inc	44	(*)					
Do	44A					(*)	
Astor Abattoir, Inc	45	(*)					
Consolidated Dressed Beef Co., Inc	47	(*)	(*)	(*)			
Lackawanna Beef and Provision Co	49	(*)					
Nevada Meat Packing Co	52	(*)	(*)	(*)		(*)	
Midwestern Beef, Inc	53	(*)					
Sunnyland Packing Co. of Alabama	56	(*)					
Glover Packing Co. of Amarillo	60	(*)					
Glover Packing Co	60A	(*)	(*)	(*)	(*)	(*)	
Weiland Packing Co., Inc	61					(*)	

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Malone Packing Co	63	(*)	(*)				
Empire Packing Corp	65					(*)	
Somerville Packing Co	66					(*)	
The Quaker Oats Co	67E						(*)
Minchs Wholesale Meats, Inc	72	(*)	(*)	(*)		(*)	
Eastern Packing Co	74E						(*)
Armour and Co	75			(*)			
The Braun Brothers Packing Co	79	(*)				(*)	
City Packing Co	80	(*)	(*)				
The Cudahy Packing Co	81	(*)	(*)			(*)	
Hill Packing Co	83E						(*)
Edgar Packing Co	84		(*)				
Excel Packing Co., Inc	86	(*)					
The E. Kahns Sons Co	89	(*)	(*)	(*)		(*)	
Hygrade Food Products Corp	90	(*)					
Sugardale Provision Co	92	(*)				(*)	
Shonyo Packing Co	93	(*)	(*)	(*)	(*)		
The Val Decker Packing Co	95	(*)	(*)	(*)		(*)	
John Engelhorn and Sons	97					(*)	
A. Kochs Sons	98	(*)	(*)				
Armour and Co	100	(*)		(*)			
Liberty Packing Co	101	(*)	(*)				
Swift and Co	104	(*)	(*)	(*)		(*)	
J. Lynn Cornwell, Inc	107					(*)	
Wilson and Co., Inc	111	(*)	(*)	(*)		(*)	
Hoffman Packing Co., Inc	112	(*)					
Morris Packing Co	113	(*)					
West Coast Meat Co., Inc	117	(*)	(*)	(*)			
Wilson and Co., Inc	119	(*)		(*)			
Marhoefer Packing Co., Inc	121	(*)				(*)	
E. J. Archie and Sons, Inc	122	(*)					
City Dressed Beef	125	(*)					
Peyton Packing Co., Inc	126	(*)	(*)	(*)	(*)	(*)	
Superior Packing Co	127	(*)					
The Luer Packing Co	128	(*)					
John Roth and Son, Inc	130	(*)					
Tobin Packing Co., Inc	133					(*)	
Ottawa Packing Co	135	(*)					
Armour and Co	139	(*)	(*)	(*)			
R. B. Rice Sausage Co., Inc	144					(*)	
Siegel Weller Packing Co	153	(*)					
Kansas City Dressed Beef Co	156	(*)					
Armour and Co	158	(*)					
Missouri Farmers Assn. Packing Division	159	(*)				(*)	
Do	159A	(*)					
Joel E. Harrell and Son, Inc	162	(*)				(*)	
New York State College of Agriculture	165	(*)		(*)		(*)	
Swift and Co	166A	(*)	(*)	(*)	(*)	(*)	
Camp Packing Co., Inc	174	(*)					
Armour and Co	177	(*)	(*)				
Peerless Packing Co	180					(*)	
Montrose Beef Co	181	(*)					
Swift and Co	184		(*)	(*)			
The Rath Packing Co	186	(*)	(*)	(*)		(*)	
Do	186C	(*)	(*)				
Do	186F					(*)	
Fort Dodge Packing Co., Inc	187	(*)					
Standard Packing Co	188	(*)	(*)				
Seattle Packing Co	191	(*)	(*)	(*)		(*)	
Krey Packing Co	192	(*)	(*)	(*)		(*)	
John Morrell and Co	196					(*)	
Hynes Packing Co	197	(*)	(*)				
United Fryer and Stillman, Inc	198	(*)					
George A. Hormel and Co	199	(*)	(*)	(*)		(*)	
Do	199A	(*)					
Do	199D					(*)	
Do	199I					(*)	
Do	199N	(*)				(*)	
Mid Valley Co., Inc	201	(*)					
Cudahy Packing Co	202	(*)				(*)	
Emge Packing Co., Inc	205	(*)	(*)			(*)	
Central Packing Co., Inc	208	(*)					
Heinzs Riverside Abattoir, Inc	210	(*)					
S. Adams Packing Co	211	(*)	(*)				
Penn Packing Co	212					(*)	
Elburn Packing Co	213	(*)					
Kneip Packing Co	213C		(*)				
Fred Dold and Sons Packing Co	214	(*)					
Lincoln Meat Co	217	(*)					
York Packing Co., Inc	220					(*)	
Gwaltney, Inc	221A					(*)	

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co	222	(*)				(*)	
Hygrade Food Products Corp	224	(*)	(*)	(*)		(*)	
Do	224B	(*)	(*)	(*)		(*)	
Gold Merit Packing Co., Inc	232	(*)					
Walti Schilling and Co., Inc	235	(*)	(*)	(*)			
Raskin Packing Co	237	(*)					
Armour and Co	238			(*)		(*)	
P. D. and J. Meats	240	(*)					
Greenwood Packing Plant	242	(*)	(*)	(*)		(*)	
I. Klayman and Co	243					(*)	
Iowa Beef Packers, Inc	245	(*)					
John Morrell and Co	246	(*)				(*)	
The Danahy Packing Co	247	(*)				(*)	
Swift and Co	249	(*)				(*)	
Frosty Morn Meats, Inc	250	(*)				(*)	
Balentine Packing Co., Inc	258	(*)	(*)			(*)	
The Jones Dairy Farm	263					(*)	
Pacific Meat Co., Inc	267	(*)	(*)			(*)	
Houston Packing Co	271	(*)	(*)			(*)	
Elliott Packing Co	274	(*)	(*)	(*)		(*)	
Wilson and Co., Inc	275	(*)					
American Stores Co	279	(*)		(*)			
Bookey Packing Co	281	(*)					
Agar Packing Co., Inc	282					(*)	
Figge and Hutwelker Co	283					(*)	
Solano Meat Co	285	(*)	(*)	(*)			
Roessler Packing Co. of Erie	286	(*)	(*)	(*)		(*)	
Western Packing Co	288	(*)					
Arbogast and Bastian Co	289	(*)	(*)	(*)		(*)	
The H. H. Meyer Packing Co	290					(*)	
San Jose Meat Co	291	(*)	(*)	(*)			
Sioux City Dressed Pork, Inc	292					(*)	
Gus Juengling and Son, Inc	298	(*)	(*)				
Waldock Packing Co	299					(*)	
Great Falls Meat Co	301	(*)					
Commercial Packing Co., Inc	302	(*)					
Union Packing Co	305	(*)					
Do	305A	(*)					
Star Packing Co	306	(*)					
Survall Packing Co	307	(*)					
Melton Provision Co	311	(*)	(*)	(*)	(*)		
Ideal Packing Co., Inc	312	(*)					
Greater New York Packing Co., Inc	317A					(*)	
Estes Packing Co	319	(*)	(*)				
Stadler Packing Co., Inc	320	(*)				(*)	
Turlock Meat Co	325	(*)	(*)				
Frisco Packing Co	327	(*)					
C. and M. Meat Packing Corp	329	(*)	(*)				
Royal Packing Co	331	(*)					
Sokolik Packing Co	331A	(*)					
Shapiro Packing Co., Inc	332	(*)	(*)				
Great Western Packing Co., Inc	334	(*)					
Nobles Independent Meat Co	335	(*)	(*)				
Chino Valley Meat Packing Co., Inc	336	(*)	(*)				
Des Moines Packing Co	340	(*)					
Peters Packing Co., Inc	341	(*)	(*)				
State Packing Co., Inc	344	(*)					
Anza Packing Co	345	(*)	(*)	(*)			
Union Packing Co	351	(*)					
Samuels East Texas Packing Co	353	(*)					
Fresno Meat Packing Co	354	(*)	(*)				
Heil Packing Co	357					(*)	
Marks Meat Co	362	(*)					
Meyers Packing Co	363	(*)					
United Dressed Beef Co	364	(*)					
James Allan and Sons	365	(*)		(*)		(*)	
Westport Packing Corp	369	(*)					
Bowling Provision Co., Inc	372					(*)	
Fischer Packing Co	374	(*)	(*)			(*)	
The John Hilberg and Sons Co	375	(*)	(*)	(*)			
Cross Bros. Meat Packers, Inc	376	(*)	(*)	(*)			
Emge Packing Co., Inc	380	(*)	(*)			(*)	
Smithfield Packing Co., Inc	382					(*)	
American Stores Co	384	(*)					
Liebmann Packing Co	388	(*)	(*)				
Dugdale Packing Co	390	(*)					
Oldhams Farm Sausage Co., Inc	392					(*)	
Roth Packing Co	394	(*)					
The Jacob Schlachters Sons Co	395	(*)	(*)				
Dubuque Packing Co	396	(*)	(*)	(*)		(*)	
Logan Packing Co	397	(*)					

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Watsonville Dressed Beef, Inc	398	(*)	(*)				
Superior Packing Co	399	(*)					
Los Banos Abattoir	400	(*)	(*)				
Neuhoff Bros	406	(*)	(*)			(*)	
Endlich Packing Co., Inc	410	(*)					
Alpine Packing Co	412	(*)	(*)	(*)		(*)	
Frosty Morn Meats	414	(*)	(*)	(*)		(*)	
Philadelphia Boneless Beef Co	418	(*)					
Murray Packing Co., Inc	421	(*)					
E. W. Kneip Inc. of Iowa	422	(*)					
The Collins Packing Co	423					(*)	
Hebron Packing Co., Inc	425	(*)	(*)				
Lone Star Packing Co	433	(*)	(*)				
Monarch Meat Packing Co	435	(*)					
Queen Packing Corp	436	(*)					
Schneider Packing Co	439	(*)					
Omaha Dressed Beef Co., Inc	441	(*)					
Prime Packing Co., Inc	443	(*)					
Del Curto Meat Co	445	(*)	(*)	(*)		(*)	
Peerless Packing Co., Inc	448	(*)					
Midwest Packing Co	451	(*)	(*)				
DeWitt Packing Corp	456	(*)	(*)				
Swift and Co	459					(*)	
Morris Rifkin and Sons, Inc	460	(*)					
Pioneer Provision Co	461	(*)					
Lancaster Packing Co	462	(*)					
Litvak Packing Co	465	(*)					
Beewar Packing Co	467	(*)	(*)			(*)	
Corn Husker Packing Co	468	(*)					
Eckert Packing Co	471	(*)				(*)	
Eldridge Packing Co	478	(*)					
Middletown Beef Co., Inc	483	(*)					
St. Cloud Meat Packing Co	485	(*)					
East Tennessee Packing Co	487	(*)	(*)			(*)	
Nebraska Beef Co	489	(*)					
Goldring Packing Co., Inc	490	(*)		(*)			
Mid State Packers, Inc	494	(*)	(*)				
Triangle Meat Distributors, Inc	497	(*)					
Heim Brothers Packing Co	499	(*)				(*)	
Sioux Falls, S. Dak	501	(*)					
Swift and Co	505	(*)					
B. Rothschild and Co	506	(*)					
Frosty Morn Meats	507	(*)	(*)				
Gruensfelder Packing Co	508	(*)	(*)	(*)			
Armour and Co	509	(*)	(*)			(*)	
Shen Valley Meat Packers, Inc	511	(*)				(*)	
Capitol Packing Co	513	(*)		(*)			
Charles Miller and Co	517					(*)	
Illinois Packing Co	521	(*)	(*)				
Pearl Packing Co., Inc	524	(*)	(*)	(*)	(*)	(*)	
Armour and Co	528	(*)	(*)				
Smallwood Packing Co., Inc	529	(*)					
Omaha Packing Co	532	(*)					
Rosenthal Packing Co., Inc	535	(*)	(*)	(*)	(*)		
Pepper Packing Co	536	(*)				(*)	
Oscar Mayer and Co., Inc	537A	(*)	(*)	(*)		(*)	
Do	537C					(*)	
Midwest Packing Co	538	(*)					
United Dressed Meats, Inc	546	(*)	(*)			(*)	
Swift and Co	548	(*)	(*)			(*)	
Pride Packing Co., Inc	549	(*)	(*)				
Piute Packing Co	550	(*)	(*)				
Salter Packing Co	551	(*)	(*)				
Springfield Rendering Co	555D	(*)	(*)	(*)	(*)		
Mid South Packers, Inc	557	(*)				(*)	
The Cudahy Packing Co	559	(*)	(*)			(*)	
D and W Packing Co	560	(*)					
Emery Land Co	561	(*)					
Packerland Packing Co., Inc	562	(*)	(*)				
John Morrell and Co	564					(*)	
Texas Meat Packers, Inc	565	(*)	(*)				
Elmer Binder and Son, Inc	569		(*)	(*)			
Perretta Packing Co., Inc	571	(*)					
Armour and Co	579	(*)	(*)			(*)	
Kingsford Packing Co., Inc	581	(*)					
Stahl Meyer, Inc	583						
Andrew Peterman Co., Inc	583						
Coffeyville Packing Co., Inc	583						
F. A. Ferris and Co., Inc	583						
Peoria Packing Co., Inc	583	(*)					

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Empire Packing Co., Inc	586	(*)					
City of Austin Municipal Abattoir	590	(*)	(*)				
Swift and Co	591	(*)	(*)	(*)		(*)	
Harman Packing Co	596	(*)					
Steinbacher Packing Co	597	(*)					
San Antonio Packing Co	602	(*)	(*)	(*)	(*)		
Central Packing Co	606	(*)	(*)				
National Tea Co	613	(*)				(*)	
Donner Packing Co	614	(*)					
Kummer Packing Co	617	(*)	(*)	(*)		(*)	
Acme Meat Co., Inc	618	(*)					
Hill Packing Co	623E						(*)
Big Foot Packing Co., Inc	627	(*)	(*)				
E. A. Miller and Sons Packing Co., Inc	628	(*)					
General Meat Co	632	(*)					
Ebner Bros., Packers	633	(*)	(*)			(*)	
Zipron Bros., Inc	635	(*)					
Auburn Packing Co., Inc	636	(*)					
R and C Packing Co	645	(*)					
Bird Provision Co	647					(*)	
Spencer Packing Co	648	(*)					
Wm. Schluderberg-T. J. Kurdle Co	649	(*)	(*)	(*)		(*)	
John Morrell and Co	650					(*)	
Nagle Packing Co	653	(*)	(*)	(*)			
Milwaukee Dressed Beef Co	654	(*)					
Wilson and Co., Inc	655	(*)		(*)			
Baums Bologna, Inc	657	(*)					
St. Louis Dressed Beef Co	659	(*)					
Quality Meat Packing Co	661	(*)	(*)				
Globe Packing Co	663	(*)					
Crown Packing Co	666					(*)	
Scottsbluff Packing Co	667	(*)		(*)			
San Joaquin Packing Co	671	(*)					
E. S. Read and Sons, Inc	672	(*)	(*)				
Union Packing Co	673	(*)					
Jacob Bauers Sons, Inc	678	(*)					
Armour and Co	680	(*)	(*)	(*)		(*)	
Nation Brothers Packing Co	684	(*)	(*)			(*)	
The William Fockes Sons Co	685	(*)	(*)	(*)	(*)	(*)	
The Sucher Packing Co	689	(*)	(*)	(*)		(*)	
Marco Packing Co	692	(*)	(*)				
Bryan Meat Co	693	(*)	(*)				
Kramer Beef Co	695	(*)					
Dana Packing Co	706	(*)				(*)	
Central Nebraska Packing Co	713E						(*)
Davenport Packing Co., Inc	716	(*)					
Crawford County Packing Co	717					(*)	
The Joseph N. Rice Co	719	(*)	(*)				
Wilmington Packing Co., Inc	720					(*)	
Coast Packing Co	724	(*)				(*)	
Swift and Co	726	(*)	(*)	(*)		(*)	
Decker and Son	727					(*)	
The Quaker Oats Co	734E						(*)
Jacob Schlachters Sons Co	739	(*)	(*)	(*)			
Sonora Meat Co., Inc	741	(*)	(*)				
Pioneer Provision Co	742	(*)				(*)	
Howard Pancero and Co	747	(*)	(*)				
Ruchti Bros	749	(*)	(*)				
Luck Brothers Cooperative Packing Co	753	(*)					
Monroe Packing Co., Inc	755	(*)					
Seitz Packing Co., Inc	756A	(*)				(*)	
Philadelphia Dressed Beef Co	758	(*)					
Schaake Packing Co., Inc	761	(*)					
Karler Packing Co	767	(*)	(*)				
Sheridan Meat Co., Inc	768	(*)	(*)	(*)		(*)	
Earl C. Gibbs, Inc	770	(*)					
Cadwell Martin Meat Co	773	(*)					
Modern Meat Packing Co	774	(*)					
Atlas Packing Co	775	(*)					
Dale Packing Co., Inc	777	(*)					
The Cudahy Packing Co	779	(*)	(*)			(*)	
Bryan Brothers Packing Co	780	(*)	(*)		(*)	(*)	
Diamond Meat Co., Inc	783	(*)	(*)				
Granite State Packing Co	785	(*)	(*)				
Aurora Packing Co., Inc	788	(*)					
Wimp Packing Co	791	(*)					
Baums Meat Packing	792	(*)					
Max Bauer Meat Packer	800	(*)	(*)				
Acees Meat Co., Inc	809	(*)					
The G. Erhardt Sons, Inc	810	(*)	(*)				
McFarland, Inc	811	(*)	(*)	(*)		(*)	
Midwest Packing Co., Inc	812	(*)					
William N. Peters, Inc	813	(*)				(*)	
Rochester Independent Packer, Inc	817	(*)					
Henry Meyers Sons, Inc	822	(*)	(*)				
Home Packing Co	823	(*)	(*)			(*)	
Hibbs Packing Co	825	(*)					
Penford Packing Co	827	(*)	(*)				
Bristol Packing Co	828	(*)	(*)				
Berchems Meat Co	830	(*)					
Norman Peters Packing Co	834	(*)					
John Morrell and Co	836	(*)					
Nat Buring Packing Co. of Ark., Inc	837B	(*)				(*)	
Frederick County Products, Inc	838	(*)	(*)	(*)		(*)	
Herman Kempers Sons	839	(*)	(*)				
Reelfoot Packing Co	840	(*)	(*)			(*)	
G. Bartusch Packing Co	843	(*)					
The Allen Packing Co	845	(*)	(*)	(*)			
Sioux City Dressed Beef, Inc	857	(*)					
Siouxland Dressed Beef Co., Division of Needha	857F	(*)		(*)			
Jordan Meat and Livestock Co	858	(*)	(*)	(*)		(*)	
Sam McDaniel and Sons, Inc	859	(*)					
Sierra Meat Co	862	(*)					
Gunsberg Beef Co	867	(*)					
Genesee Packing Co	868	(*)					
Pahler Packing Corp	880	(*)					
Vermont Dressed Beef Co., Inc	883	(*)					
Walden Packing Co., Inc	886	(*)					
William Davies Co., Inc	888A	(*)				(*)	
O'Neill Packing Co	889	(*)					
Sambol Packing Co	892	(*)					
Tobin Packing Co., Inc	893					(*)	
Vernon Calhoun Packing Co	897	(*)					
Meats, Inc	899	(*)	(*)				
Sigman Meat Co., Inc	901	(*)	(*)				
Hansen Packing Corp	901A	(*)					
Hoosier Veterinary Laboratories, Inc	912					(*)	
Chiapetti Packing Co	916			(*)			
National Meat Packers, Inc	917	(*)	(*)			(*)	
Valleydale Packers, Inc., of Bristol	922	(*)	(*)			(*)	
South Philadelphia Willowbrook, Inc	923	(*)	(*)				
Wisconsin Packing Co	924	(*)					
Peoples Packing Co	925	(*)	(*)	(*)	(*)	(*)	
Kerber Packing Co	929	(*)	(*)				
Tarpoff Packing Co	931	(*)					
McKenney Meat Co	932	(*)					
E. B. Manning and Son	934	(*)					
Volz Packing Co	938	(*)					
Cappellino Abattoir, Inc	939	(*)					
Wilson and Co., Inc	940	(*)	(*)			(*)	
Gentner Packing Co., Inc	941	(*)					
Delrich Meat Packers, Inc	944			(*)		(*)	
Whitehall Packing Co	946	(*)					
M. Brizer and Co	948	(*)					
Joe Doctorman and Son Packing Co., Inc	949	(*)	(*)	(*)			
Armour and Co	956	(*)				(*)	
Reliable Packing Co., Inc	959					(*)	
Greater Omaha Packing Co., Inc	960	(*)					
Virginia Packing Co., Inc	963	(*)	(*)	(*)			
Earl Flick Wholesale Meats, Inc	965	(*)	(*)				
Greeley Capitol Packing Co	969	(*)		(*)			
Hawaii Meat Co., Ltd	970	(*)	(*)	(*)			
Perlin Packing Co., Inc	974	(*)	(*)	(*)	(*)		
National Food Stores, Inc	981	(*)					
Reitz Meat Products Co	983	(*)				(*)	
Hospers Packing Co	985	(*)					
Eagle Packing Co	987	(*)					
Everett C. Horlein and Son, Inc	988	(*)					
The Klarer Co	995	(*)	(*)				
Do	995A					(*)	
Do	995C	(*)				(*)	
Valley Meat Co	1009	(*)	(*)	(*)			
Armour and Co	1085	(*)	(*)				
Landy Packing Co	1171	(*)					
The Harris Packing Co	1175					(*)	
A. F. Moyer and Sons, Inc	1311	(*)	(*)	(*)			
McCabe Packing Plant	1312	(*)					
Samuels and Co., Inc	1313	(*)					
H. and H. Packing Co	1315	(*)	(*)			(*)	
Nebraska Iowa Dressed Beef Co	1318	(*)					

Done at Washington, D.C., this 26th day of October 1961.

R. K. SOMERS,
Acting Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 61-10406; Filed, Oct. 31, 1961; 8:55 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

NUMBER OF EMPLOYEES, TAXABLE WAGES, GEOGRAPHIC LOCATION, AND KIND OF BUSINESS FOR ESTABLISHMENTS OF MULTIUNIT COMPANIES

Notice of Consideration for Surveys

Notice is hereby given that the Bureau of the Census is considering a proposal under the provisions of the Act of Congress approved August 31, 1954, 13 U.S.C. 181, 224, and 225, to conduct a First Quarter 1962 Survey of selected multiunit companies. This survey is similar to those conducted for previous County Business Patterns Reports. It is designed to collect information for the 1962 Report on the number of employees, taxable wages, geographic location, and kind of business for the establishments of selected multiunit companies.

Reports will be required from only the larger multiunit companies in the United States and only when the data are not available from other governmental sources. The requested data are not publicly available from nongovernmental or governmental sources.

The survey, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Copies of the proposed form and a description of the collection methods are available on request to the Director, Bureau of the Census, Washington 25, D.C.

Any suggestions or recomendations concerning the subject matter of the proposed survey should be submitted in writing within 30 days after the date of this publication to the Director, Bureau of the Census, and will receive consideration.

RICHARD M. SCAMMON,
Director, Bureau of the Census.

[F.R. Doc. 61-10374; Filed, Oct. 31, 1961; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-32]

AEROJET-GENERAL NUCLEONICS

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 7, set forth below, to Facility License No. R-10. The license authorizes Aerojet-General Nucleonics to operate its nuclear reactor Model AGN-201, Serial No. 103 located on its site in San Ramon, California.

The amendment amends the description of the reactor to include the changes in the instrumentation and control described in the licensee's letter to the Commission dated July 20, 1961.

The Commission has found that operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license as amended would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operations.

In accordance with § 2.102(a) of the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or a petition to intervene pursuant to § 2.705 of the rules of practice within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed in accordance with the provisions of § 2.700 of the Commission's rules of practice (10 CFR Part 2).

The licensee's request for amendment of the license dated July 20, 1961, and a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, may be inspected at the Commission's Public Document Room. A copy of the hazards analysis may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 25th day of October 1961.

For the Atomic Energy Commission.

R. H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-10; Amdt. No. 7]

License No. R-10, as amended, which authorizes Aerojet-General Nucleonics to operate a nuclear reactor Model AGN-201, Serial No. 103 located at its site in San Ramon, California, is hereby amended by amending paragraph 2 to read as follows:

2. This license applies to the nuclear reactor (herein "the reactor") designated by the applicant as Model AGN-201, Serial No. 103 which is owned by AGN and located at San Ramon, California, and described in the application filed September 11, 1956 and amendments thereto filed on October 2, 1956, December 3, 1956, and January 14, 1957, in application amendments dated February 7, 1957, February 27, 1957, August 22, 1957, May 23, 1958, June 17, 1958, December 29, 1958, and January 6, 1959, and in AGN's letter to the Commission dated July 20, 1961, all herein collectively referred to as "the application".

This amendment is effective as of the date of issuance.

Date of issuance: October 25, 1961.

For the Atomic Energy Commission.

R. H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-10393; Filed, Oct. 31, 1961; 8:53 a.m.]

CIVIL AERONAUTICS BOARD

AAXICO AIRLINES, INC.

[Docket 12880; Order E-17626]

Application for Exemption; Order of Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of October 1961.

By application filed August 3, 1961, AAXICO Airlines, Inc. (AAXICO), a certificated air carrier, seeks an exemption from section 408 of the Federal Aviation Act of 1958 (the Act) for the purchase for $775,000 of a DC-6A aircraft from Transportation Corporation of America, d/b/a Trans Caribbean Airways, Inc. (TCA), also a certificated air carrier.[1] Applicant states that the aircraft is required to meet expanded Logair military cargo contract requirements; that there are no interlocking relationships between the two air carriers; and that the transaction was consummated as a result of arm's length bargaining.[2]

The Board, upon consideration of the application, finds that the transaction may be subject to section 408 of the Act. However, the Board has concluded tentatively that the transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not tend to restrain competition. Furthermore, the Board notes that no person disclosing a substantial interest in the case is currently requesting a hearing. It would therefore appear that approval of the transaction would not be inconsistent with the public interest.[3]

In view of the foregoing, the Board tentatively finds that the transaction involved herein should be approved and in-

[1] AAXICO was authorized to suspend scheduled service effective July 1, 1959, and is currently performing only military contract operations.

[2] The Board has decided that exceptional circumstances exist with respect to the doctrine established in the Sherman Interlocking Relationships Case, 15 CAB 876 (1952), to the extent that it may be applicable in this case, and thus will consider the application on its merits.

[3] The Board considers it more appropriate in this instance to act under the third proviso of section 408 than to grant an exemption from such section.

tends to approve it without a hearing, pursuant to the provisions of section 408(b). In accordance therewith, this order constituting notice of such intention will be published in the FEDERAL REGISTER, and interested persons will be afforded an opportunity to comment on the Board's tentative decision.

Therefore, it is ordered:

1. That this order be published in the FEDERAL REGISTER;

2. That the Attorney General be furnished a copy of this order within one day of its publication; and

3. That interested persons are afforded a period of 15 days within which to file comments with respect to the Board's proposed action herein.[1]

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 61-10395; Filed, Oct. 31, 1961; 8:53 a.m.]

[Docket 13014 etc.; Order No. E-17630]

EMERY AIR FREIGHT CORP.

Approval of Control and Interlocking Relationships; Order Granting Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of October 1961.

By application filed September 6, 1961, as amended October 4, and October 17, 1961, Emery Air Freight Corporation (Emery), a domestic and international air freight forwarder, requests the Board to approve, pursuant to section 408 of the Federal Aviation Act of 1958 (the Act), acquisitions of control of Cargo Facilities, Inc. (Cargo) and Bradley Facilities, Inc. (Bradley). In addition, pursuant to section 409 of the Act, approval is sought of the interlocking relationships resulting from the holding by the following individuals of positions with the three companies:

Individual	Emery	Cargo	Bradley
Vanda Arendt	Assistant secretary and assistant treasurer.	Assistant secretary	
Walter G. Corcoran	Secretary and treasurer	Vice president and secretary.	Vice president and secretary.
Ellis D. Slater	Director	Director	Director.
Leonard G. Hunt	Senior vice president and director.	Director, president and treasurer.	Director, president and treasurer.
John C. Emery	Director and president	Director	Director.
Edward Glassmeyer	Director	Director	Director.

Approval is also sought for the interlocking relationships resulting from Mr. Glassmeyer serving, in addition to the above positions, as Vice President and Director of Blyth & Co., Inc., investment bankers, while other officers of Blyth & Co., Inc. are directors of Northrop Corporation (Northrop) and General Dynamics Corporation (Dynamics), persons engaged in a phase of aeronautics for purposes of the Act.[1a]

According to the application, Cargo was organized by Emery [2] because of the urgent need for a cargo terminal facility at Bradley Field and the fact that the State of Connecticut had no funds available for financing such a project. Cargo has undertaken the planning for the facility, acting as agent for Bradley as described hereafter. In addition, Cargo intends to initiate and develop similar facilities at other points where an unfilled need exists, through the medium of other individual operating subsidiaries which would also provide general management after the facilities are operational.

Bradley was organized as the subsidiary which would actually enter the formal leasing, financing and operating arrangements with respect to the Bradley Field terminal and its activities will be restricted to this location. Cargo has acquired, for $1,000, all 200 shares of Bradley stock currently outstanding but, after formal leases with the air carrier tenants are executed,[3] it is planned to expand Bradley's capitalization to $10,000 (2,000 shares), offering stock to the tenants in proportion to the space occupied by each in the terminal.[4] Since Bradley has no employees other than corporate officers, it has appointed Cargo as its agent for negotiation of leases and all other matters preparatory to commencement of operations. In addition, Bradley intends to appoint Cargo managing agent for the new terminal for the first year of operation at a fee of $8,000. Thereafter, such services will be arranged by the then existing Board of Directors of Bradley. Applicant states that all air carriers, direct and indirect, serving Bradley Field were offered the opportunity to secure space in the facility on equal terms, and that it will never be the intention of Cargo or Bradley to refuse to construct additional cargo terminal facilities for new tenants.[5]

In addition to the fixed component of rent which reflects construction and other developmental costs, there will be a component covering Bradley's actual operating, maintenance and janitorial expenses, initially estimated at $0.79 per square foot.

No objections to the application have been filed.

The Board, upon consideration of the application, concludes that relationships within the purview of section 408(a) of the Act are created by the control of Cargo and Bradley by Emery.[6] However, the Board further concludes tentatively that such relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly, and do not tend to restrain competition. Furthermore, the Board notes that no person disclosing a substantial interest in the matter is currently requesting a hearing.

The organization of Cargo and Bradley by Emery may well assist in the development of needed cargo facilities, particularly at points where public funds are not available for this purpose. For this reason, and on the basis of the representations of the applicants, it would appear that approval of the control by Emery of Cargo would not be inconsistent with the public interest either with respect to Cargo's activities at Bradley Field or its exploration of similar needs at other locations.[7] Likewise, approval of the control by Emery (through 100% ownership of Cargo) of Bradley does not appear to be inconsistent with the public interest. Relying on the representations of applicants that the occupancy of space in the cargo terminal or necessary extensions thereto will not be refused any direct or indirect air carrier serving Bradley Field, the Board tentatively finds that the control by Emery, an indirect air carrier, of Cargo and Bradley, each deemed to be a person engaged in a phase of aeronautics, should be approved.

The Board further finds that interlocking relationships within the scope of section 409(a) of the Act will exist between Emery, Cargo, Bradley, Northrop and Dynamics from the holding by their officers and directors of the positions described herein. For the reasons expressed above, the Board finds that the parties have made a due showing in the form and manner prescribed, that the interlocking relationships will not adversely affect the public interest and

[1] Such comments shall in all respects conform to the requirements of the Board's rules of practice for the filing of documents.

[1a] The interlocking relationships between Emery, Northrop and Dynamics were previously approved by Order E-15605, August 3, 1960.

[2] Emery is sole owner of Cargo through an investment of $50,000 in 250 shares.

[3] Bradley received, on October 18, 1961, an acceptable bid for construction of the terminal, resulting in a fixed rental of $2.35 per square foot or less, and accordingly, leases will be executed as follows:

Tenant	Committed interior area	
	Sq. ft.	*Percent*
Air Cargo Consolidators, Inc.	1,440	4.54
Airborne Freight Corp.	1,440	4.54
Allied Air Freight, Inc.	1,440	4.54
American Airlines, Inc.	6,750	21.29
Eastern Air Lines, Inc.	2,880	9.08
Emery Air Freight Corp.	5,000	15.77
The Flying Tiger Line Inc.	6,550	20.66
United Air Lines, Inc.	4,770	15.04
Wings & Wheels Express, Inc.	1,440	4.54
Totals	31,710	100.00

[4] Cargo will take any stock not so subscribed.

[5] The fixed rental for additional facilities will necessarily depend upon the cost of development and construction of such facilities. The land to be leased from the State of Connecticut includes ground for limited expansion of the cargo terminal and an option for additional ground, if needed.

[6] The Board has decided to waive application of the doctrine expressed in the Sherman Interlocking Relationships Case, 15 CAB 876 (1952), to the extent that it may be applicable in this case, and consider the application on its merits.

[7] Activities in addition to those expressed in the application and/or involving the creation of additional subsidiaries may, of course, be subject to sections 408 and 409 of the Act.

should be approved. The Board also intends to authorize, subject to the provisions of § 251.4 of the Economic Regulations, the holding by the individual applicants, in addition to the positions specifically requested, of other directorships or offices with Emery, Cargo and Bradley to which they may be elected or appointed hereafter.

Moreover, the Board notes that the arrangements with respect to Bradley Field facility contemplate the possible future participation of air carrier tenants in the ownership of Bradley. Such participation would presumably also create control and interlocking relationships subject to sections 408 and 409 of the Act. The Board does not believe that any new issues of substance would arise from these additional relationships, and to obviate the need for reviewing them, to the extent that they may be subject to sections 408 and 409 of the Act, the Board proposes to approve, under section 408(b), the participation of other air carriers in the ownership of Bradley. In addition, the Board will approve interlocking relationships arising from the officers and directors of such additional air carriers serving as officers and directors of Bradley.

In view of the foregoing, the Board intends to approve the control relationships involved herein without a hearing, pursuant to the provisions of section 408 (b). In accordance therewith, this order constituting notice of such intention will be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to comment on the Board's tentative decision.[8]

Therefore, it is ordered:

1. That this order be published in the FEDERAL REGISTER;

2. That the Attorney General be furnished a copy of this order within one day of its publication; and

3. That interested persons are afforded a period of fifteen days within which to file comments or request a hearing with respect to the Board's proposed action herein.[9]

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-10396; Filed, Oct. 31, 1961; 8:53 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-SW-71]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The U.S. Army Corps of Engineers through R. E. Clarson, Inc., St. Petersburg, Florida, proposes to construct a missile tracking antenna structure near Malabar, Florida, at latitude 27°57'39" north, longitude 80°33'29" west. The overall height of the structure would be 188 feet above mean sea level (163 feet above ground).

In response to the circularization, the Florida Development Commission objected to the proposed structure on the basis that it would be located on the Valkaria, Florida, Airport in proximity to the runways. At the FAA Regional Informal Airspace Meeting held at Atlanta, Georgia, the Aircraft Owners and Pilots Association objected to the proposal on the basis that the structure would be hazardous to general aviation.

The structure would be located on the Valkaria Airport, Malabar, Florida, operated by the Brevard County Board of County Commissioners, Titusville, Florida. Brevard County concurs with the proposal and has acted in cooperation with the military in the planning for the structure. There are no based aircraft at Valkaria Airport and the Form FAA 29A, Record of Airport Facilities, dated December 22, 1960, indicates that the airport is in a limited use category with physical inspection required. Positioned on the airport, the proposed structure would be 810 feet southeast of the centerline of the Northeast/Southwest runway and 560 feet south of the centerline of the East/West runway. It would be 400 feet northeast of the approach end of the Northeast runway and 950 feet east of the approach end of the East runway. The proposed structure would be hazardous to aeronautical operations to or from the Northeast/Southwest and the East/West runways at the Valkaria Airport since aircraft would pass in the immediate vicinity of the structure at low altitudes climbing or descending when the pilot's attention is directed toward extremely critical phases of flight.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would adversely affect aeronautical operations conducted to or from the Northeast/Southwest or East/West runways of the Valkaria Airport; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted.

Issued in Washington, D.C., on October 24, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation.

[F.R. Doc. 61-10348; Filed, Oct. 31, 1961; 8:45 a.m.]

[OE Docket No. 61-SW-86]

RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized information concerning the following structure to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The General Telephone Company of the Southwest, San Angelo, Texas, has constructed a radio antenna structure in Buffalo, Oklahoma, at latitude 36°50'03" north, longitude 99°37'52" west. The overall height of the structure is 1971 feet above mean sea level (153 feet above ground).

No objections were made in response to the circularization. The structure is located in the City of Buffalo, Oklahoma, approximately .3 mile southeast of the center of the Buffalo Airport, Buffalo, Oklahoma. The Agency study disclosed that the structure does not adversely affect aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes are affected by this structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the above described structure, at the location and mean sea level elevation specified herein, has no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure is not a hazard to air navigation, provided the structure be obstruction marked and lighted in accordance with Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted.

Issued in Washington, D.C., on October 23, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-10349; Filed, Oct. 31, 1961; 8:45 a.m.]

[OE Docket No. 61-SW-79]

PROPOSED WATER STORAGE TANK

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The City Water Board of San Antonio, Texas, proposes to construct a water storage tank near San Antonio, Texas, at latitude 29°32'38" north, longitude 98°31'57" west. The overall height of the structure would be 1,120 feet above mean sea level (200 feet above ground).

[8] Further action on the interlocking relationships under section 409 will be deferred pending final resolution of the control relationships which are subject to section 408.

[9] Such comments shall in all respects conform to the requirements of the Board's rules of practice for the filing of documents.

An objection was made by the Air Transport Association of America in response to the circularization and at the Federal Aviation Agency Fort Worth Informal Airspace Meeting by the ATA and the National Business Aircraft Association on the basis that the proposed structure would require an increase in the final approach minimum altitude from 1,208 feet MSL (minimum ceiling 400 feet) to 1,408 feet MSL (minimum ceiling 600 feet) for standard Instrument Approach Procedure AL-369-ADF-3 to San Antonio International Airport.

The proposed structure would be located approximately 4 miles west-northwest of the San Antonio International Airport. It would require an increase in the final approach minimum altitude from 1,208 feet MSL (minimum ceiling 400 feet) to 1,408 feet MSL (minimum ceiling 600 feet) for standard Instrument Approach Procedure AL-369-ADF-3 to this airport. However, there are six other current Instrument Approach Procedures for this airport which can be used with a ceiling of 400 feet. Furthermore, the Agency study disclosed that when instrument approaches are being conducted, the AL-369-ADF-3 procedure is used only an estimated one percent of the time and therefore the instrument approach procedure capabilities of this airport would not be substantially derogated.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that the structure would not be a hazard to air navigation provided that the structure be obstruction marked and lighted in accordance with applicable Federal Aviation Agency standards.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on October 24, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-10350; Filed, Oct. 31, 1961; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14264, 14265; FCC 61M-1697]

BLOOMINGTON BROADCASTING CORP.

Order Continuing Hearing

In re applications of Bloomington Broadcasting Corporation (WJBC and WJBC-FM), Bloomington, Illinois, Docket No. 14264, File No. BML-1947; Docket No. 14265, File No. BMLH-149; for modification of licenses.

The Hearing Examiner having under consideration the necessity of modifying the date for commencement of hearing;

It appearing that a prehearing conference was held on the date of this order at which time matters were discussed which make it desirable to change the currently established date for commencement of hearing, which is November 30;

It is therefore ordered, this 25th day of October 1961, that the date for commencement of hearing is changed from November 30 to December 18, 1961.

Released: October 26, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10397; Filed, Oct. 31, 1961; 8:54 a.m.]

[Docket No. 13257 etc.; FCC 61M-1700]

CATSKILLS BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of Harry G. Borwick, David Levinson, Seymour D. Lubin, Henry L. Shipp, Joseph K. Schwartz and Philip Slutsky, d/b as Catskills Broadcasting Company, Ellenville, New York, Docket No. 13257, File No. BP-12266 et al., Docket Nos. 13258, 13272; for construction permits.

The Hearing Examiner having under consideration petition to reschedule notification and hearing dates, filed by the Commission's Broadcast Bureau on October 25, 1961;

It appearing, that counsel for other parties have consented to immediate consideration and grant of the petition;

It is ordered, This 26th day of October 1961, that the above petition is granted; the date for notification of witnesses desired for cross-examination is continued from October 25 to November 3, 1961; and the hearing is continued from November 1 to November 13, 1961.

Released: October 26, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10398; Filed, Oct. 31, 1961; 8:54 a.m.]

[Docket No. 14345]

WILLIAM S. HOWARD

Order To Show Cause

In the matter of William S. Howard, Costa Mesa, California, Docket No. 14345; order to show cause why there should not be revoked the license for Radio Station 11WO425 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau under delegated authority having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation mailed on June 13, 1961, alleging that on March 3, 1961, Citizens Radio Station 11WO425 was operated in violation of §§ 19.24(a)(1), 19.31(c) and 19.61(a) of the Commission's rules.

It further appearing, that, the above-named licensee, received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated July 25, 1961, and sent by Certified Mail—Return Receipt Requested (125289), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing, that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, George Tolin, on July 27, 1961, to a Post Office Department return receipt; and

It further appearing, that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 24th day of October 1961, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to

the said licensee at 271 Rose Lane, Costa Mesa, California.

Released: October 26, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10399; Filed, Oct. 31, 1961; 8:54 a.m.]

[Docket No. 14174; FCC61M-1696]

KENOSHA BROADCASTING, INC.

Order Scheduling Hearing

In re application of Kenosha Broadcasting, Inc., Kenosha, Wisconsin, Docket No. 14174, File No. BPH-3367, for construction permit.

The Hearing Examiner having under consideration: (1) his Memorandum Opinion and Order released September 27, 1961 (FCC 61M-1574) striking from the record evidence admitted during a hearing session held September 22, 1961 and declaring the hearing to be a nullity because of failure of the applicant to comply with the statutory and regulatory requirement on publication of the notice of hearings; (2) his order released October 3, 1961 (FCC 61M-1597) directing applicant, by October 23, 1961, to supplement petition filed by it September 25, 1961 requesting the scheduling of a new hearing date with affidavits to establish its good faith; and (3) Supplemental Petition filed October 23, 1961 supported by four attached affidavits as required by item (2), above;

It appearing, that the supplemental petition (item 3) and supporting affidavits show clearly that applicant's failure to publish the notice of hearing resulted from a bona fide agreement of counsel whereunder publication was to have been accomplished by a former applicant which had applied for the same facility in Kenosha, Wisconsin whose application was dismissed on August 23, 1961, rather than from any intention to abuse the Commission's hearing processes;

It appearing further, that the hearing examiner has been advised verbally by Mr. Fitzpatrick of the Broadcast Bureau's Hearing Division that the Bureau has no objection in view of the circumstances to grant of the relief requested, i.e., scheduling of a new hearing date, by the applicant; further, that the Examiner has likewise been advised by counsel for the applicant that counsel for the intervenor has been contacted and has no objection; and, finally, that the petition and supplement and supporting affidavits are to be included in the docket of the proceeding and as such will be deemed to be part of the record and that the incident should be considered closed now in view of all the circumstances;

Accordingly, it is ordered, This 25th day of October, 1961, that the petition of Kenosha Broadcasting, Inc. filed September 25, 1961, requesting that the Hearing Examiner "schedule a hearing date for November 15, 1961, or as soon thereafter as possible", is hereby granted;

It is ordered further, That the hearing in this proceeding will commence at 9 a.m., November 22, 1961 at the Commission's Offices, Washington, D.C.; *provided, however,* That the publication requirements of the Commission's rules are duly and properly complied with.[1]

Released: October 26, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10400; Filed, Oct. 31, 1961; 8:54 a.m.]

[Docket Nos. 12488, 12489; FCC 61M-1699]

YOUNG PEOPLE'S CHURCH OF THE AIR, INC., AND WJMJ BROADCASTING CORP.

Order Continuing Hearing

In re applications of the Young People's Church of the Air, Inc., Philadelphia, Pennsylvania, Docket No. 12488, File No. BPH-2394; WJMJ Broadcasting Corporation, Philadelphia, Pennsylvania, Docket No. 12489, File No. BPH-2423; for construction permits.

The Hearing Examiner having under consideration informal agreement of the parties regarding continuance of hearing in order to accommodate Bureau Counsel's hearing schedule;

It is ordered, This 26th day of October 1961, that the hearing now scheduled for November 14, 1961 is continued to November 21, 1961, at 10:00 a.m.

Released: October 26, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10401; Filed, Oct. 31, 1961; 8:54 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-6]

TEXAS EASTERN TRANSMISSION CORP. AND TEXAS GAS TRANSMISSION CORP.

Notice of Application and Date of Hearing

OCTOBER 25, 1961

Take notice that on July 10, 1961, Texas Eastern Transmission Corporation (Texas Eastern), Texas Eastern Building, Shreveport 94, Louisiana, and Texas Gas Transmission Corporation (Texes Gas), 416 West Third Street, Owensboro, Kentucky (sometimes hereinafter referred to jointly as Applicants), filed a joint application, as supplemented on August 18, 1961, in Docket No. CP62-6, pursuant to section 7 of the Natural Gas Act. Applicants request a certificate of public convenience and necessity authorizing: (a) Texas Gas to sell natural gas to Ohio Valley Gas Corporation (Ohio Valley) and (b) the delivery, for a temporary period, of natural gas by Texas Eastern to Ohio Valley for the account of Texas Gas in exchange for the delivery of equivalent volumes of gas by Texas Gas to Texas Eastern. Texas Eastern requests permission and approval to abandon natural gas service rendered by it to Ohio Valley and upon the termination of the proposed exchange of gas, permission and approval to abandon the facilities presently used to effect such service.

Applicants' proposals are more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

The application shows that Texas Gas proposes to sell to Ohio Valley up to 6,000 Mcf of natural gas per day for resale in Connersville, Indiana, and environs; the proposed sale is to be made in lieu of the presently authorized sale by Texas Eastern to Ohio Valley, which sale Texas Eastern herein proposes to abandon.

Applicants also propose herein to exchange natural gas pursuant to the terms of an exchange agreement, dated June 14, 1961. The purpose of the exchange arrangement is to enable Texas Gas to make the proposed sale to Ohio Valley until the latter can extend its facilities to connect directly with those of Texas Gas. The agreement is for a period of three years from date of first delivery and provides that Texas Eastern shall deliver Ohio Valley's gas requirements for Connersville at the existing delivery point in Ripley County, Indiana, for the account of Texas Gas. Texas Gas will deliver equivalent volumes to Texas Eastern at an existing interconnection between the two pipelines near Lebanon, Ohio.

The application further shows that, pursuant to an agreement, dated June 14, 1961, between Ohio Valley, Texas Gas and Texas Eastern, Ohio Valley agrees, within 3 years, to construct a 15-mile transmission line extending from a connection with Texas Gas' facilities in Dearborn County, Indiana, to the terminus of its existing 26-mile pipeline extending from Connersville to Texas Eastern's main line in Ripley County, Indiana.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 30, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters in-

[1] The Examiner expects the parties to be alert to any repetition of the incident described herein and to take whatever steps as may be necessary to keep the examiner informed prior to November 22 should there be any kind of a delay or snag in effecting publication.

volved in and the issues presented by such joint application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 20, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10360; Filed, Oct. 31, 1961; 8:47 a.m.]

[Docket Nos. RI62-123—RI62-134]

GEORGE R. BROWN ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

OCTOBER 25, 1961.

George R. Brown, Docket No. RI62-123; Bankers Trust Company, Trustee, Docket No. RI62-124; Tennessee-Texan Oil Company (Operator) et al., Docket No. RI62-125; Benedum-Trees Oil Co. et al., Docket No. RI62-126; Christie, Mitchell & Mitchell Co. (Operator) et al., Docket No. RI62-127; Jack W. Grigsby, Docket No. RI62-128; Hiawatha Oil & Gas Company, Docket No. RI62-129; Pan American Petroleum Corporation, Docket No. RI62-130; Pan American Petroleum Corporation (Operator) et al., Docket No. RI62-131; Plymouth Oil Company, Docket No. RI62-132; Cabot Corporation (SW), Docket No. RI62-133; General Crude Oil Company, Docket No. RI62-134.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI62-123	George R. Brown, 1201 San Jacinto Building, Houston, Tex.	3	6	Texas Eastern Transmission Corp., Lochridge Field, Brazoria County, Tex. (R. R. District No. 3).	$710	[1] 9-28-61	[1] 11-1-61	4-1-62	[3] 15.0	15.2	RI61-178
RI62-124	Bankers Trust Co., Trustee, c/o Thomas V. McMahan, Attorney, 2100 First City National Bank, Houston 2, Tex.	1	8	El Paso Natural Gas Co., Amacker-Tippett Field, Upton County, Tex. (R. R. District No. 7c).	2,162	9-28-61	[2] 10-29-61	3-29-62	[3] 8.108	13.68225	
		2	5	---do---	541	9-28-61	[2] 10-29-61	3-29-62	[3] 10.5	15.5	
RI62-125	Tennessee-Texan Oil Co. (Operator), et al., P. O. Box 2511, Houston, Tex.	6	8	Texas Eastern Transmission Corp., West Rockport Field, Aransas County, Tex. (R. R. District No. 4).	1,744	9-28-61	[1] 11-1-61	4-1-62	[3] 15.0	15.2	RI61-267
RI62-126	Benedum-Trees Oil Co. et al., c/o Ivan V. Kerno, Attorney, Shoreham Building, Washington, D.C.	10	5	Texas Eastern Transmission Corp., DeLate Charco Field, Brooks County, Tex. (R. R. District No. 4).	8	9-28-61	[1] 11-1-61	4-1-62	[3] 15.0	15.2	RI61-120
RI62-127	Christie, Mitchell & Mitchell Co. (Operator), et al., 1200 Houston Club Building, Houston 2, Tex.	9	23	Texas Eastern Transmission Corp., Vienna Field, Lavaca County, Tex. (R. R. District No. 2).	5	9-28-61	[1] 11-1-61	4-1-62	[3] 15.0	15.2	RI61-219
RI62-128	Jack W. Grigsby, c/o Thomas E. Stagg, Jr., Attorney, 406 Petroleum Tower, Shreveport, La.	4	7	Texas Eastern Transmission Corp., Bethany-Longstreet Field, De Soto Parish, La. (North La.).	1,8	9-29-61	[1] 11-1-61	4-1-62	[4] 16.211	16.4161	RI61-171
RI62-129	Hiawatha Oil & Gas Co., Benedum-Trees Building, Pittsburg 22, Pa.	6	8	Texas Eastern Transmission Corp., Greenwood-Waskom Field, Caddo Parish, La. (North La.).	80	9-29-61	[1] 11-1-61	4-1-62	[4] 16.336	16.5411	RI61-177
R162-130	Pan American Petroleum Corp., P.O. Box 591, Tulsa 2, Okla.	272	7	Texas Eastern Transmission Corp., Carthage Field; Harrison, Gregg and Rusk Counties, Tex. (R. R. District No. 6).	50	9-29-61	[1] 11-1-61	4-1-62	[3] 15.0	15.2	RI61-151
RI62-131	Pan American Petroleum Corp. (Operator), et al., P.O. Box 591, Tulsa 2, Okla.	283	5	Texas Eastern Transmission Corp., Willow Springs Field, Gregg County, Tex. (R.R. District No. 6).	667	9-29-61	[1] 11-1-61	4-1-62	[3] 15.0	15.2	RI61-152
RI62-132	Plymouth Oil Co., c/o Jerome J. Dick, Attorney, Ring Building, Washington 6, D.C.	10	8	Texas Eastern Transmission Corp., Greenwood Waskom Field, Caddo Parish, La. (North, La.).	80	9-29-61	[1] 11-1-61	4-1-62	[4] 16.336	16.5411	RI61-180
RI62-133	Cabot Corp. (SW), P.O. Box 1101, Pampa, Tex.	56	3	United Fuel Gas Co., Ellis Field, Acadia (South, La.).	1,464	9-29-61	[1] 11-1-61	4-1-62	[4] 19.9	20.3	RI61-173
RI62-134	General Crude Oil Co., P.O. Box 2252, Houston 1, Tex.	2	11	Texas Eastern Transmission Corp., Silsbee Field, Hardin County, Tex. (R.R. District No. 3).	286	10-2-61	[1] 11-2-61	4-2-62	[3] 15.0	15.2	RI61-211

[1] The Stated effective date is that proposed by respondent.
[2] Effective date is the first day after expiration of required statutory notice.
[3] The pressure base is 14.65 psia.
[4] The pressure base is 15.025 psia.

On October 10, 1961, El Paso Natural Gas Company filed a protest requesting that the Commission reject the filings of Bankers Trust Company, designated as its Rate Schedules Nos. 1 and 2, and deny the rate increases proposed thereunder.

The proposed rates exceed the applicable area price levels as set forth in the Commission's Statement of General Policy No. 61-1 and the amendments thereto.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regula-

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

tions under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon the dates to be fixed by notice from the Secretary concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearing and decision thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f) on or before December 11, 1961.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 61-10356; Filed, Oct. 31, 1961; 8:46 a.m.]

[Docket Nos. RI62-136—RI62-149]

H. L. HUNT ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

OCTOBER 25, 1961.

H. L. Hunt et al., Docket No. RI62-136; Lamar Hunt, Docket No. RI62-137; Hidalgo Gas Production Company, Docket No. RI62-138; Nelson Bunker Hunt Trust Estate, Docket No. RI62-139; William Herbert Hunt Trust Estate, Docket No. RI62-140; Hassie Hunt Trust, Docket No. RI62-141; Hunt Oil Company (Operator) et al., Docket No. RI62-142; Hunt Oil Company, Docket No. RI62-143; Placid Oil Company (Operator) et al., Docket No. RI62-144; George R. Brown (Operator) et al., Docket No. RI62-145; The California Company, a Division of California Oil Company, Docket No. RI62-146; Monsanto Chemical Company (Operator) et al., Docket No. RI62-147; Monsanto Chemical Company, Docket No. RI62-148; Tidewater Oil Company, Docket No. RI62-149.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until	Cents per Mcf [2]		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI62-136	H. L. Hunt, et al., 700 Mercantile Bank Building, Dallas 1, Tex.	4	15	Texas Eastern Transmission Corp. (Whelan and North Lansing Fields, Harrison County, Tex. 6).	$4,080	9-25-61	11-1-61	4-1-62	15.0	15.2	RI61-203
RI62-137	Lamar Hunt, 700 Mercantile Bank Building, Dallas 1, Tex.	9	9	Texas Eastern Transmission Corp. (Lucky Field, Bienville Parish, North La.).	16	9-25-61	11-1-61	4-1-62	16.211	16.4161	RI61-195
RI62-138	Hidalgo Gas Production Co., 700 Mercantile Bank Building, Dallas 1, Tex.	1	5	Texas Eastern Transmission Corp. (Mercedes Field, Hidalgo County, Tex. 4).	750	9-25-61	11-1-61	4-1-62	15.0	15.2	RI60-144
		2	5	Texas Eastern Transmission Corp. (Aqua Dulce Field, Nueces County, Tex. 4).	286	9-25-61	11-1-61	4-1-62	15.0	15.2	RI60-144
RI62-139	Nelson Bunker Hunt, Trust Estate, 700 Mercantile Bank Building, Dallas 1, Tex.	7	9	Texas Eastern Transmission Corp. (Lucky Field, Bienville Parish, North La.).	414	9-25-61	11-1-61	4-1-62	16.211	16.4161	RI61-196
RI62-140	William Herbert Hunt, Trust Estate, 700 Mercantile Bank Building, Dallas 1, Tex.	1	10	Texas Eastern Transmission Corp. (North Cottonwood Field, Liberty County, Tex. 3).	1,152	9-25-61	11-1-61	4-1-62	15.0	15.2	RI61-143
		10	9	Texas Eastern Transmission Corp. (Lucky Field, Bienville Parish, North La.).	646	9-25-61	11-1-61	4-1-62	16.211	16.4161	RI61-197
RI61-141	Hassie Hunt Trust, 700 Mercantile Bank Building, Dallas 1, Tex.	4	16	Texas Eastern Transmission Corp. (NE Lisbon Field, Claiborne Parish, North La.).	2,830	9-25-61	11-1-61	4-1-62	16.211	16.4161	RI61-206
RI62-142	Hunt Oil Co. (Operator), et al., 700 Mercantile Bank Building, Dallas 1, Tex.	28	10	Texas Eastern Transmission Corp. (Greenwood Waskom Field, Caddo Parish, North La.).	2,539	9-25-61	11-1-61	4-1-62	16.211	16.4161	RI61-205
RI62-143	Hunt Oil Co., 700 Mercantile Bank Building, Dallas 1, Tex.	32	7	Texas Eastern Transmission Corp. (Waskom Field, Harrison Co., Tex. 6).	14	9-25-61	11-1-61	4-1-62	15.0	15.2	RI61-204
RI62-143	Hunt Oil Co	35	5	Texas Eastern Transmission Corp. (South Nome Field, Jefferson Co., Tex. 3).	321	9-25-61	11-1-61	4-1-62	15.0	15.2	RI61-204
RI62-144	Placid Oil Co. (Operator), et al., 418 Market Street, Shreveport, La.	26	9	Texas Eastern Transmission Corp. (Lucky and Liberty Hill Fields, Bienville Parish, North La.).	17,260	9-25-61	11-1-61	4-1-62	16.211	16.4161	RI61-193
		30	1	H. L. Hunt, et al. (North Lansing Field, Harrison Co., Tex. 6).	297	9-25-61	11-1-61	4-1-62	14.5	14.7	RI61-176
RI62-145	George R. Brown (Operator), et al, 1201 San Jacinto Bldg. Houston, 2, Tex.	7	3	United Gas Pipe Line Co. (Abbeville Field, Vermilion Parish, South La.).	20,060	9-25-61	10-26-61	3-26-62	20.25	22.25	
RI62-146	The California Co., a division of California Oil Co., 800 The California Co. Building, New Orleans 12, La.	23	1	United Fuel Gas Co. (South Thornwell Field, Jefferson Davis Parish, South La.).	876	9-25-61	11-1-61	4-1-62	19.9	20.3	
RI62-147	Monsanto Chemical Co. (Operator), et al., c/o Lion Oil Co. 1401 South Coast Building, Houston, 2, Tex.	20	8	Texas Eastern Transmission Corp. (Logansport Field, De Soto Parish, North La.).	660	9-25-61	11-1-61	4-1-62	16.211	16.4161	RI61-266

[1] The stated effective date is the first day after expiration of the required statutory notice or, if later, the date requested by respondent.

[2] The rates for sales from Louisiana are at a pressure base of 15.025 psia; the rates from Texas are at a pressure base of 14.65 psia.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, no should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf [2]		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI62-148	Monsanto Chemical Co. (same address).	1	13	Texas Eastern Transmission Corp. (Bryceland Field, Bienville Parish, North La.).	867	9-25-61	11- 1-61	4- 1-62	16.211	16.4161	RI61-265
RI62-149	Tidewater Oil Co., P.O. Box 1404, Houston 1, Tex.	60	7	United Fuel Gas Company (Savoy Field, St. Landry Parish, South La.).	1,460	9-25-61	11- 1-61	4- 1-62	19.9	20.3	RI61-125
		24	13	United Fuel Gas Co. (North Bourg Field, Lafourche and Terrebonne Parish, South La.).	1,423	9-25-61	11- 1-61	4- 1-62	19.9	20.3	RI61-124

See footnotes on preceding page.

The proposed changes in rate are all periodic rate increases. The proposed increased rates exceed the applicable area price levels.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before December 11, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10357; Filed, Oct. 31, 1961; 8:47 a.m.]

[Docket No. RI62-135]

LIMA GAS CO.

Order Providing for Hearing on and Suspension of Proposed Change of Rate and Allowing Rate To Become Effective

OCTOBER 26, 1961.

On September 28, 1961, Lima Gas Company (Lima)[1] tendered for filing a proposed increase in rate for sales of natural gas subject to the jurisdiction of the Commission. The filing, designated Supplement No. 4 to Lima's FPC Gas Rate Schedule No. 1, proposes an increase from 12.0 cents to 13.824 cents per Mcf[2] to Cabot Corporation[3] from the producing area of Washington District, Calhoun County, West Virginia, and reflects a total annual increase of $81. Lima does not request a specific effective date for the filing.

The subject increase is based upon a contract provision which provides that Lima shall receive 60 percent of any increase in the resale price received by Cabot from Hope Natural Gas Company. Cabot's related rate increase was suspended and is now in effect subject to refund in Docket No. RI61-308.

The increased rate and charge so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed change contained in the above-designated supplement.

(B) Pending hearing and decision thereon, the above-designated rate supplement is hereby suspended and the use thereof deferred until October 30, 1961, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplement shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this order Lima shall execute and file under the above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Lima is advised to the contrary within 15 days after the filing of such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 11, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10358; Filed, Oct. 31, 1961; 8:47 a.m.]

[1] C/o Hayes and Company, Agent, Spencer, West Virginia.

[2] The pressure base is 15.325 psia.

[3] Referred to herein as Cabot.

[Docket Nos. RI61-112—RI62-114]

SOCONY MOBIL OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

OCTOBER 26, 1961.

Socony Mobil Oil Company, Inc., Docket No. RI62-112; Socony Mobil Oil

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Company, Inc. (Operator) et al., Docket No. RI62-113; Gulf Oil Corporation, Docket No. RI62-114.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas, subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI62-112	Socony Mobile Oil Co., Inc., 150 East 42d Street, New York 17, N.Y.	1	12	United Fuel Gas Co., (Gum Cove Field, Cameron Parish, La.). [9]	$4,691	9-28-61	11- 1-61	4- 1-62	[2] 19.9	20.3	RI61-113
RI62-112	Socony Mobile Oil Co., Inc.	2	11	United Fuel Gas Co., (Chalkley Field, Cameron Parish, La.). [9]	7,682	9-28-61	11- 1-61	4- 1-62	[2] 19.9	20.3	RI61-113
RI62-112	do	42	12	Texas Eastern Transmission Corp. (Willow Springs Field., Gregg County, Tex.). [15]	93	9-28-61	11- 1-61	4- 1-62	[3 4] 15.0	[4] 15.2	RI61-113
RI62-112	do	43	12	Texas Eastern Transmission Corp. (East Provident Field, Lavaca County, Tex.). [11]	72	9-28-61	11- 1-61	4- 1-62	[3] 15.0	15.2	RI61-113
RI62-112	do	123	8	Texas Eastern Transmission Corp. (San Manuel Field, Hidalgo County Tex.). [14]	664	9-28-61	11- 1-61	4- 1-62	[3] 15.0	15.2	RI61-113
RI62-112	do	124	10	Texas Eastern Transmission Corp. (East Bishop Field, Nueces County, Tex.). [14]	800	9-28-61	11- 1-61	4- 1-62	[3] 15.0	15.2	RI61-113
RI62-112	do	141	6	United Fuel Gas Company (Thornwell Field, Jefferson Davis Parish, La.). [9]	1,140	9-28-61	11- 1-61	4- 1-62	[2] 19.9	20.3	RI61-113
RI62-112	do	146	9	Shell Oil Co. (Provident City Field, Lavaca and Colorado Counties, Tex.). [13]	778	9-28-61	11- 1-61	4- 1-62	[3 5] 15.0	[5] 15.2	RI61-113
RI62-112	do	149	11	Shell Oil Co. (Mustang Creek Field, Colorado County, Tex.). [12]	228	9-28-61	11-1 -61	4- 1-62	[3 6 7] 15.0	[3 6 7] 15.2	RI61-113
RI62-113	Socony Mobile Oil Company, Inc. (Operator), et al.	150	11	Hassie Hunt Trust (Lisbon Field, Claiborne Parish, La.). [10]	177	9-28-61	11- 1-61	4- 1-62	[2 8] 16.461	[8] 16.6661	RI61-114
RI62-113	do	151	10	Shell Oil Co. (Provident City Field, Lavaca County, Tex.). [11]	2,755	9-28-61	11- 1-61	4- 1-61	[3] 15.0	15.2	RI61-113
RI62-113	do	152	11	Hassie Hunt Trust (Lisbon Field, Claiborne Parish, La.). [10]	41	9-28-61	11- 1-61	4- 1-61	[6 8] 16.461	[2 8] 16.6661	RI61-113
RI62-114	Gulf Oil Corp., P.O. Drawer 2100, Houston 1, Tex.	52	2	Panhandle Eastern Pipeline Co. (Singly Field, Meade County, Kans.).	1,542	9-28-61	11- 1-61	4- 1-62	16.0	[3] 17.0	----------
RI62-114	Gulf Oil Corp	54	2	Panhandle Eastern Pipe Line Co. (Haviland Field, Keowa County, Kans.).	1,104	9-28-61	11- 1-61	4- 1-62	15.0	[3] 16.0	----------
RI62-114	do	182	3	H. L. Hunt, et al. (Whelan Field, Harrison County, Tex.). [15]	354	9-28-61	11- 1-61	4- 1-62	12.5	[3] 12.7	RI61-212

[1] The proposed effective dates are the first day after the required thirty days' notice or, if later, the date requested by respondent.
[2] The pressure base is 15.025 psia.
[3] The pressure base is 14.65 psia.
[4] Includes 0.5 cent per Mcf for amortization of facilities deducted by buyer.
[5] Includes 1.5 cents per Mcf handling charge deducted by buyer.
[6] Includes 1.25 cents per Mcf handling charge deducted by buyer.
[7] Subject to a compression charge of 1.75 cents per Mcf.
[8] Subject to processing charge of 0.25 cent per Mcf.
[9] Southern Louisiana.
[10] Northern Louisiana.
[11] Railroad District No. 2.
[12] Railroad District No. 3.
[13] Railroad Districts Nos. 2 and 3.
[14] Railroad District No. 4.
[15] Railroad District No. 6.

The proposed changes in rates are all periodic rate changes. The proposed increased rates, except that designated as Supplement No. 3 to Gulf Oil Corporation's FPC Gas Rate Schedule No. 182, exceeds the applicable price level set forth in the Commission's Statement of General Policy No. 61-1 and the amendments thereto. Although Supplement No. 3 to Gulf Oil Corporation's FPC Gas Rate Schedule No. 182 is below the applicable price level, the corresponding increased resale price of the purchaser is over the applicable price level.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.37) on or before December 11, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10359; Filed, Oct. 31, 1961; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 404]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 27, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 7746 (Sub-No. 116), filed August 3, 1961. Applicant: UNITED TRUCK LINES, INC., East 915 Springfield Avenue, Spokane, Wash. Appli-

cant's attorney: George LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, and household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467), between Bellingham, Wash. and Lynden, Wash.; from Bellingham over U.S. Highway 99A to a point approximately one mile west of Lynden, thence over unnumbered Washington highway to Lynden, and return over the same route, serving all intermediate points.

HEARING: December 8, 1961, at the Federal Office Building, Seattle, Wash., before Joint Board No. 80, or, if the Joint Board waives its right to participate before Examiner Armin G. Clement.

No. MC 10875 (Sub-No. 12), filed October 10, 1961. Applicant: BRANCH MOTOR EXPRESS COMPANY, a corporation, 300 Maspeth Avenue, Brooklyn 11, N.Y. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between York, Pa., and Hagerstown, Md., from York over U.S. Highway 30 to Gettysburg, Pa., thence over U.S. Highway 15 to Thurmont, Md., thence over Maryland Highway 77 to its junction with Maryland Highway 64, thence over Maryland Highway 64 to Hagerstown, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between York, Pa., and Hagerstown, Md.

HEARING: December 4, 1961, at the Offices of Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 25798 (Sub-No. 53) (AMENDMENT), filed September 7, 1961, published FEDERAL REGISTER issue October 11, 1961, amended October 20, 1961, republished as amended this issue. Applicant: CLAY HYDER TRUCKING LINES, INC., Chimney Rock Highway, Hendersonville, N.C. Applicant's attorney: Thomas F. Kilroy, 610 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from St. Joseph, Marshall, Macon, Carrollton, Milan, and Moberly, Mo., to points in Kentucky, Tennessee, West Virginia, Georgia, Alabama, and Florida.

NOTE: The purpose of this republication is to include Alabama and Florida as destination states.

HEARING: Remains as assigned December 6, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Garland E. Taylor.

No. MC 28573 (Sub-No. 17) (CLARIFICATION), filed July 24, 1961, published issue of October 4, 1961, amended October 10, 1961, and republished as clarified this issue. Applicant: GREAT NORTHERN RAILWAY COMPANY, a corporation, 175 East Fourth Street, St. Paul 1, Minn. Applicant's representative: R. W. Cronon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over unnumbered highways, transporting: *General commodities*, between all Great Northern Railway Company stations in North Dakota and all Intercontinental Ballistic Missile launching sites in North Dakota, as off-route points in connection with applicant's presently authorized regular-route operations, limited to service which is auxiliary to, or supplemental of, its rail service.

NOTE: Applicant states tacking is proposed with authority contained in lead Docket MC 28573 and Subs 3, 5A, and 11. The purpose of this republication is to clearly set forth the issues involved.

HEARING: Remains as assigned December 18, 1961, at the U.S. Court Rooms, Fargo, N. Dak., before Joint Board No. 300, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 34930 (Sub-No. 20), filed October 4, 1961. Applicant: PRUE MOTOR TRANSPORTATION, INC., Maplewood Avenue, Portsmouth, N.H. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium chloride*, in bulk, *returned, refused and rejected shipments*, between Portsmouth, N.H., on the one hand, and, on the other, points in New Hampshire, points in Massachusetts on and north of Massachusetts Highway 9 and on and east of Massachusetts Highway 12 and points in York, Cumberland, Androsoggin, Sagadahoc, and Kennebec Counties, Maine.

HEARING: December 6, 1961, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 69.

No. MC 38320 (Sub-No. 6), filed October 12, 1961. Applicant: CENTRAL MOTOR EXPRESS, INC., P.O. Box 216, Campbellsville, Ky. Applicant's attorney: Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barrel staves and barrel headings*, from points in Illinois, Missouri, Ohio, Tennessee, and Indiana, to Lebanon, Ky., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: December 6, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 52465 (Sub-No. 25), filed August 3, 1961. Applicant: RICE TRUCK LINES, 712 Central Avenue West, Great Falls, Mont. Applicant's attorney: Randall Swanberg, 529 Ford Building, Great Falls, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as defined in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Casper, Wyo. and points within ten (10) miles thereof, to points in Montana and *rejected shipments* of the above-specified commodities, on return.

HEARING: December 18, 1961, at the Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 123.

No. MC 52657 (Sub-No. 619), filed October 9, 1961. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Trailers, semi-trailers, trailer chassis and semi-trailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements in truckaway and driveaway service, from Mansfield, Ohio, to points in the United States, including Alaska, but excluding Hawaii. (B) *Tractors*, in secondary driveaway service, only when drawing trailers in initial movements, from Mansfield, Ohio, to points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia.

HEARING: December 4, 1961, at the Offices of Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 84739 (Sub-No. 9), filed September 8, 1961. Applicant: SEVERSON TRANSPORT, INC., R. 1, Box 163, Edgerton, Wis. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk milk and cooling tanks, uncrated*, from Hartford, Wis., to points in Virginia, Maryland, Pennsylvania, New York, Maine, Vermont, New Hampshire, and Ohio, and *rejected shipments*, on return.

HEARING: December 5, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Hugh M. Nicholson.

No. MC 85255 (Sub No. 14), filed June 26, 1961. Applicant: PUGET SOUND TRUCK LINES, INC., Pier 62, Seattle, Wash. Applicant's attorney: Charles J. Keever, Washington Building, Seattle 1, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, and household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467), between La Conner, Wash., and Mt. Vernon, Wash.

NOTE: Applicant states the proposed operation will be subject to the following conditions: 1. The service to be performed by applicant shall be limited to service which is auxiliary to, or supplemental of, water service of Puget Sound Freight Lines; 2. Ship-

ments transported by applicant shall be limited to those which it receives from or delivers to Puget Sound Freight Lines under a through bill of lading covering, in addition to movement by applicant, an immediately prior or subsequent movement by water; 3. All contractual arrangements between applicant and Puget Sound Freight Lines shall be reported to the Interstate Commerce Commission and shall be subject to revision, if and as it may find it to be necessary to assure that such arrangements shall be fair and equitable to the parties; 4. Such further specific conditions as the Interstate Commerce Commission in the future may find necessary to impose in order to restrict applicant's service to that which is auxiliary to, or supplemental of, the water service of Puget Sound Freight Lines. Applicant further states it is a wholly-owned subsidiary of Puget Sound Freight Lines, a Washington Corporation, which renders water service on the inland waters of the State of Washington pursuant to Certificate W 505.

HEARING: December 4, 1961, at the Federal Office Building, Seattle, Wash., before Joint Board No. 80, or, if the Joint Board waives its right to participate before Examiner Armin G. Clement.

No. MC 85255 (Sub-No. 15), filed October 2, 1961. Applicant: PUGET SOUND TRUCK LINES, INC., Pier 62, Seattle 1, Wash. Applicant's attorney: Charles J. Keever, Washington Building, Seattle 1, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, sawdust, hogged fuel* and *planer shavings*, from points in Columbia and Klatsop counties, Oreg., to points in Clark and Cowlitz counties, Wash.

NOTE: Applicant states that it is a wholly-owned subsidiary of Puget Sound Freight Lines, a Washington Corporation, which renders water service on the inland waters of the State of Washington pursuant to Certificate W. 505.

HEARING: December 12, 1961, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate before Examiner Armin G. Clement.

No. MC 88161 (Sub-No. 61), filed August 22, 1961. Applicant: INLAND PETROLEUM TRANSPORTATION CO., INC., 5047 Colorado Avenue South, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosote oil*, in bulk, in tank vehicles, from Quendall, Wash., to points in Washington on the International Boundary line between the United States and Canada, and to points in Idaho, and *rejected and contaminated shipments* of the above-specified commodity on return.

HEARING: December 6, 1961, at the Federal Office Building, Seattle, Wash., before Joint Board No. 81, or, if the Joint Board waives its right to participate before Examiner Armin G. Clement.

No. MC 106965 (Sub-No. 178), filed October 10, 1961. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sugar*, in bulk, in tank vehicles, equipped with pneumatic unloading facilities; from Baltimore, Md., to points in Delaware, the District of Columbia, and in that part of Pennsylvania bounded by a line beginning at the junction of the Pennsylvania-Delaware State line and Pennsylvania Highway 82, thence north along Pennsylvania Highway 82 to junction U.S. Highway 122, thence north along U.S. Highway 122 to junction U.S. Highway 22, thence west along U.S. Highway 22 to the Pennsylvania-West Virginia State line, thence south and east along said State line to the Pennsylvania-Maryland State line, and thence east along the Pennsylvania-Maryland and Pennsylvania-Delaware State lines to the point of beginning, including points on said highway boundaries, and points in that part of West Vrginia on and north of a line beginning at the junction of the Ohio River and U.S. Highway 250, thence southeast along U.S. Highway 250 to junction U.S. Highway 19, thence south along U.S. Highway 19 to junction U.S. Highway 33, and thence east and south along U.S. Highway 33 to the Virginia-West Virginia State line.

NOTE: Applicant states it is under common control with O'Boyle Tank Lines, Incorporated, a Virginia Corporation.

HEARING: December 1, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William N. Culbertson.

No. MC 107107 (Sub-No. 175), (AMENDMENT), filed July 19, 1961, published FEDERAL REGISTER, issue of October 11, 1961, and republished as amended this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65 Allapattah Station, Miami 42, Fla. Applicant's attorneys: Frank B. Hand, Jr., and Daniel B. Johnson, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Florida to points in Montana and Wyoming.

NOTE: The purpose of this republication is to add the State of Wyoming as a destination State.

HEARING: Remains as assigned November 13, 1961, at the Dupont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, Fla., before Examiner Frank R. Saltzman.

No. MC 107107 (Sub-No. 178) (AMENDMENT), filed August 25, 1961, published FEDERAL REGISTER issue October 11, 1961, amended October 20, 1961, republished as amended this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65 Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery*, (2) *candy and confectionery coatings*, (3) *chocolate*, and (4) *advertising, promotional and display materials* and *premiums*, from Hershey, Pa., and points in Lancaster County, Pa., to points in Florida.

NOTE: The purpose of this republication is to broaden the scope of the application as to the commodities proposed to be transported and also to include points in Lancaster County Pa.

HEARING: Remains as assigned, December 13, 1961, at the Dupont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, Fla., before Examiner William R. Tyers.

No. MC 107541 (Sub No. 6), filed May 17, 1961. Applicant: MAGEE TRUCK SERVICE INC., P.O. Box 67, Klickitat, Wash. Applicant's attorney: John M. Hickson, Failing Building, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, between points in Washington and Oregon.

HEARING: December 11, 1961, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to partcipate before Examiner Armin G. Clement.

No. MC 111045 (Sub No. 17), filed April 27, 1961. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Palm River Road, Tampa, Fla. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street, NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products (including liquefied petroleum gas and nitrogen solution)*, in bulk in tank vehicles, from points in Bradford County, Fla., to points in Florida and Georgia.

HEARING: November 8, 1961, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or if, the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 111623 (Sub-No. 36), filed August 14, 1961. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, 620 South 29th Street, Milwaukee 46, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in packages, from the plant site of the Marquette Cement Manufacturing Company, at Superior, Ohio, to points in Lee, Wise, Dickenson, Buchanan, Scott, Russell, Tazewell, Washington, Smyth, Bland, Wythe, Grayson, Carroll, Patrick, Floyd, Pulaski, Giles, Montgomery, Craig, Alleghany, Bath, and Highland Counties, Va.

NOTE: Applicant states the proposed service will be under a continuing contract or contracts with the Marquette Cement Manufacturing Co.

HEARING: December 13, 1961, at the Midland Hotel, Chicago, Ill., before Examiner A. Lane Cricher.

No. MC 111731 (Sub-No. 4) (CORRECTION), filed July 19, 1961, published FEDERAL REGISTER issue October 11, 1961, amended October 17, 1961, republished as amended under docket No. MC 123817 assigned to cover *common carrier* operations as originally applied for in application. Republished this issue to reflect that operations are proposed to be con-

ducted as a contract carrier. Applicant: DALE SAMMONS, Magnolia, Ill. Applicant's attorney: M. G. Gulo, 124 South Monroe Street, Streator, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated steel culverts*, from Havana, Ill., to points in Illinois, Missouri, Iowa, Wisconsin, and Indiana, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

NOTE: The docket number previously assigned MC 123817 has been cancelled. The above subsequent docket number, MC 111731 (Sub-No. 4), is correctly assigned to cover proposed contract carrier operations.

HEARING: Remains as assigned, December 1, 1961, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Examiner Garland E. Taylor.

No. MC 111948 (Sub-No. 4), filed August 7, 1961. Applicant: ALPHIE F. BOUSLEY, Box 141, Armstrong Creek, Wis. Applicant's attorney: William C. Dineen, 746 Empire Building, 710 North Plankinton Avenue, Milwaukee 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Finished and unfinished lumber*, (1) from Goodman, Wis., to points in Illinois and Minnesota, and (2) from points in the Upper Peninsula of Michigan, to Goodman, Wis., and *damaged and rejected shipments* of finished and unfinished lumber, in connection with routes (1) and (2) above, on return.

HEARING: December 11, 1961, at the Hotel Schroeder, Milwaukee, Wis., before Examiner Hugh M. Nicholson.

No. MC 111552 (Sub-No. 2), filed July 21, 1961. Applicant: JAMES J. SCHIFFAUER, SR. AND JAMES J. SCHIFFAUER, JR., a partnership, doing business as S & S TRUCKING COMPANY, 5133 Argyle Street, Chicago 30, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete poles, concrete piling, metal poles, metal sign poles, metal brackets for same, equipment* used in connection therewith and *accessories*, between Waukegan, Ill., and points in Illinois, Arkansas, Connecticut, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: December 11, 1961, at the Midland Hotel, Chicago, Ill., before Examiner A. Lane Cricher.

No. MC 112148 (Sub-No. 20), filed August 21, 1961. Applicant: JAMES H. POWERS, INC., Melbourne, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Slater, Iowa, to Dodgeville and Plymouth, Wis., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

HEARING: December 6, 1961, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner A. Lane Cricher.

No. MC 112750 (Sub-No. 72), filed September 28, 1961. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside (Long Island), N.Y. Applicant's attorney: Leonard E. Lindquist, 1010 Midland Bank Building, Minneapolis 1, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed microfilm, prints and incidental dealer handling supplies*, between Chicago, Ill., and points in Iowa, lying in and east of Winnebago, Hancock, Wright, Hamilton, Story, Polk, Warren, Lucas, and Wayne Counties and (2) (a) *Commercial papers, documents, and written instruments* (except coin, currency, bullion, and negotiable securities) *as are used in the conduct of the business of banks and banking institutions* (b) *eye glasses, including frames, lenses, and other parts thereof* (c) *audit media, punch cards, and other business papers, documents, and records* (excluding plant removals) and (d) *exposed and processed film, microfilm, and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theatre and television exhibitions), between Omaha, Nebr., points in Minnesota and points lying in and west of Buchanan, Fayette, Jefferson, Johnson, Linn, Van Buren, Washington, and Winneshiek Counties, Iowa.

HEARING: December 7, 1961, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner A. Lane Cricher.

No. MC 112750 (Sub No. 73), filed September 29, 1961. Applicant: ARMORED-CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside 61, N.Y. Applicant's attorney: Joseph A. Kline, 185 Devonshire Street, Boston, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments*, and *business records* (except coin, currency and negotiable securities) as are used in the business of banks, banking institutions and business concerns, and *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies* and *advertising literature moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), between Boston, Mass., on the one hand, and, on the other, points in Windham, Bennington, Rutland, Washington, Addison, Orange, Chittenden, Orleans, Franklin, Caledonia, Windsor, and Lamoille Counties, Vt.

NOTE: Applicant states common control may be involved in that an affiliate corporation, Southern Couriers Inc., of Dallas, Tex., which is owned by Arthur DeBevoise, the owner of Armored Carrier Corporation stock, has applications pending with this Commission under Docket No. MC 123304, none of which have been finally determined, and no operations interstate are being conducted by said Southern Couriers Inc.

HEARING: December 12, 1961, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 187.

No. MC 113267 (Sub-No. 46) (AMENDMENT), filed September 21, 1961, published issue of October 25, 1961, and republished as amended, this issue. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Norfolk and Suffolk, Va., to Atlanta, Ga.

NOTE: The purpose of this republication is to add Norfolk, Va. as an origin point.

HEARING: Remains assigned December 15, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Charles J. Murphy.

No. MC 113267 (Sub-No. 49), filed October 16, 1961. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Frederick H. Figge, 410 O'Farrell Street, Collinsville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from St. Joseph, Marshall, Macon, Carrollton, Milan, and Moberly, Mo., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE: Applicant has pending an application for contract authority in MC 50132 Sub 57. Applicant states its officers are stockholders and officers in the following motor carriers of passengers, baggage and express: Industrial Bus Lines, Inc. and Vandalia Bus Line, Inc. In addition thereto, Oliver and Kathryn Anderson are officers and stockholders in Caseyville Bus Line, Inc.

HEARING: December 6, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Garland E. Taylor.

No. MC 114211 (Sub-No. 30), filed September 11, 1961. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Blackhawk County, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lift trucks and platforms and warehouse tractors and attachments* when moving incidental to lift trucks and platform and warehouse tractors, from Danville and Peoria, Ill., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin, and *rejected shipments*, on return.

HEARING: December 4, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Hugh M. Nicholson.

No. MC 114211 (Sub-No. 31), filed October 16, 1961. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, 213 Witry Street, Waterloo, Black Hawk County, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Farm machinery, tractors, and parts thereof,* from Racine, Wis., to points in Iowa, Kansas, Missouri, Nebraska, South Dakota, and Colorado.

NOTE: Applicant states it now holds authority to perform service from and to points named above by operating through the gateways of DeWitt, Logan, Macon, and Sangamon Counties, Ill. Applicant further states the purpose of this application is to eliminate the necessity of operating through said gateways and to modify applicant's commodity authorization to transport all types of tractors originating at Racine, Wis., and destined to points in Colorado, Iowa, Kansas, Missouri, Nebraska, and South Dakota.

HEARING: November 27, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Lacy W. Hinely.

No. MC 114364 (Sub-No. 59) (AMENDMENT), filed September 21, 1961, published issue of October 25, 1961, amended October 20, 1961, and republished as amended this issue. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Street, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, Suite 526, Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Frozen and canned fruits,* from Delta, Colo., to points in Arizona, Arkansas, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, and Texas, and (2) *Frozen vegetables,* from La Junta, Colo., and points within five (5) miles thereof, to points in Arizona, Arkansas, California, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Louisiana, Oregon, Texas, Washington, and Wyoming.

NOTE: Applicant states it is controlled by Earl Bray, Inc. The purpose of this republication is to include item (2) to the authority previously sought.

HEARING: Remains as assigned December 8, 1961, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Charles J. Murphy.

No. MC 116282 (Sub-No. 4), filed September 11, 1961. Applicant: ONILE P. FRANCOEUR, doing business as NEIL'S BAKERY PRODUCTS TRANSPORTATION CO., 246 Broad Street, Auburn, Maine. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Bakery products* from Boston, Mass., to Portsmouth, N.H., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

NOTE: Applicant states the proposed service is to be performed under a continuing contract with Drake Bakeries, Inc.

HEARING: December 7, 1961, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 69.

No. MC 116434 (Sub-No. 11), filed July 31, 1961. Applicant: HUGH MAJOR, 150 North Sinclair, South Roxana, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Picket fence made of wire and wood,* and *lumber and wire,* and *lumber* to be used in the manufacture of picket fence, between Cable, Wis., and points within 25 miles thereof, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Minnesota, Missouri, Ohio, Kansas, Nebraska, South Dakota, and North Dakota.

HEARING: December 12, 1961, at the Midland Hotel, Chicago, Ill., before Examiner A. Lane Cricher.

No. MC 116434 (Sub-No. 12), filed August 30, 1961. Applicant: HUGH MAJOR, 150 Sinclair Street, South Roxana, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Water well casing, pipe, tubing, pipe fittings and protectors,* and *steel* and (2) *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, between points in Alabama, Florida, Georgia, Kansas, Louisiana, Maryland, Michigan, Mississippi, New Jersey, New York, North Dakota, South Dakota, North Carolina, South Carolina, Oklahoma, Pennsylvania, Texas, Virginia, and West Virginia on the one hand, and, on the other, points in Sparta, Carlinville, Centralia, Cairo, Irvington, and Olney, Ill., and Louisiana, Mo.

HEARING: December 7, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Hugh M. Nicholson.

No. MC 119552 (Sub-No. 1) (AMENDMENT-CORRECTION), filed July 21, 1961, published FEDERAL REGISTER, issue of September 27, 1961, republished as amended and corrected this issue. Applicant: RICHARD J. SNOW & SON, INC., Putnam Pike, Harmony, R.I. Applicant's representative: Russell B. Curnett, 49 Weybosset Street, Providence 3, R.I. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Junction City, Ky., on the one hand, and, on the other, East Providence and Pawtucket, R.I., and Greenville, Ohio.

NOTE: Applicant states the proposed operations are to be limited to a transportation service to be performed under a continuing contract, or contracts, with the Fram Corporation of East Providence, R.I. The purpose of this republication is to correctly identify the origin point as Junction City, Ky., in lieu of Danville, Ky., as shown in error in previous publication. Since this republication is effected the same day that the hearing is assigned, any person or persons who who may have been prejudiced by the designation of the erroneous origin point as set forth in the previous publication, may file a protest against the application within 20 days from the date of this republication.

HEARING: Remains as assigned November 1, 1961, in Room 308, Main Post Office Building, Providence, R.I., before Examiner Walter R. Lee.

No. MC 119895 (Sub-No. 5), filed September 28, 1961. Applicant: INTER-CITY EXPRESS, INC., P.O. Box 1055, Fort Dodge, Iowa. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from Milan, Marshall, Carrollton, Moberly, and Macon, Mo., to points in Iowa, Nebraska, Minnesota, North Dakota, and South Dakota.

HEARING: December 6, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Garland E. Taylor.

No. MC 123050 (Sub-No. 2), filed June 23, 1961. Applicant: MICHEL TRANSPORT, INC., 57 Laurier Avenue, Arthabaska, P.Q., Canada. Applicant's attorney: Andre J. Barbeau, 795 Elm Street, Manchester, N.H. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Wood veneer,* from the Port of Entry on the International Boundary line, between the United States and Canada at Jackman, Maine, to Bingham and Greenville, Maine, and *empty containers or other such incidental facilities* (not specified) and *empty pallets,* used in transporting the above-described commodities, on return.

NOTE: Applicant states shipments will originate at Victoriaville, Province of Quebec, Canada.

HEARING: December 14, 1961, at the Senate Chamber, State House, Augusta, Maine, before Joint Board No. 115.

No. MC 123067 (Sub-No. 12), filed September 28, 1961. Applicant: M & M TANK LINES, INC., P.O. Box 4174, North Station, Winston-Salem, N.C. Applicant's representative: Frank C. Philips, Box 4174, North Station, Winston-Salem, N.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Silica Sand Flour,* in bulk, in tank vehicles, from Edmund (Lexington County), S.C., to Shelby and West Shelby, N.C., and *damaged or rejected shipments of the above commodity* on return.

NOTE: Applicant states that its president also controls Hennis Freight Lines, Inc., operating under MC 64994 and subs thereto.

HEARING: November 7, 1961, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 2.

No. MC 123502 (Sub No. 1), filed June 26, 1961. Applicant: FREE STATE STONE SERVICE, INC., 10 Vernon Avenue, Glen Burnie, Md. Applicant's attorney: William J. Little, 1513 Fidelity Building, Baltimore 1, Md. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Crushed slag,* in bulk, in dump vehicles, from Sparrows Point, Md., to points in Delaware, Virginia, West Virginia, Pennsylvania, and the District of Columbia; and (2) *Sand,* in bulk, in dump vehicles, from Linthicum, Md., to points in Delaware, West Virginia, Pennsylvania, Virginia, and the District of Columbia.

HEARING: December 1, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel C. Shoup.

No. MC 123746 (Sub-No. 2), filed July 11, 1961. Applicant: SECURITY TRANSPORT CO., a corporation, P.O. Box 110, Bozeman, Mont. Applicant's attorney: Wood R. Worsley, 701 Continental Bank Building, Salt Lake City 1, Utah. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products*, namely *wallboard, lath, sheathing, backer board, plaster, and wallboard reinforced joint systems*, from Cody, Wyo., to points in Madison, Park, Stillwater, Broadwater, Jefferson, Deer Lodge, Silver Bow, Granite, Lewis and Clark, Missoula, Meagher, Gallatin, Flathead, Lake, Sweet Grass, Beaverhead, Ravalli, Lincoln, and Sanders Counties, Mont., and *empty containers, rejected shipments, or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: December 18, 1961, at the Board of R.R. Commissioner, Helena, Mont., before Joint Board No. 123.

No. MC 123784 (Sub-No. 2), filed September 11, 1961. Applicant: JOCKO VALLEY TRUCKING COMPANY, INC., Arlee, Mont. Applicant's attorney: Jeremy G. Thane, Western Bank Building, Missoula, Mont. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Finished lumber*, from Columbia Falls and Pablo, Mont., to Missoula, Mont.

HEARING: December 19, 1961, at the Board of R.R. Commissioner, Helena, Mont., before Joint Board No. 82.

No. MC 123865, filed August 11, 1961. Applicant: HERBERT G. LING, doing business as LING TRANSFER, 918 Peoria Avenue, Dixon, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Advertising circulars* and *miscellaneous advertising matter*, between Dixon, Ill., and points in Iowa, Missouri, and Wisconsin.

HEARING: December 11, 1961, at the Midland Hotel, Chicago, Ill., before Examiner A. Lane Cricher.

No. MC 123883, filed August 18, 1961. Applicant: CONTINENTAL DISPATCH, INC., 425 Bolton Avenue, Alexandria, La. Applicant's representative: Warren A. Goff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments*, ordinarily used in banks and banking institutions, destined to or originating at banks or banking institutions (excluding coins, currency, negotiable securities, stationery, and supplies), between points in Arkansas, those in Mississippi on and north of U.S. Highway 80, those in Missouri on and south of Missouri Highway 84, on the one hand, and, on the other, Memphis, Tenn.

HEARING: December 6, 1961, at the Claridge Hotel, Memphis, Tenn., before Examiner Charles B. Heinemann.

NOTE: In the FEDERAL REGISTER, issue of November 25, 1961, an application of the subject carrier filed August 18, 1961, covering the transportation of the above-described commodities between certain points in Louisiana, points in Mississippi, and other specified points in Alabama and Florida, on the one hand, and, on the other, New Orleans, La., assigned docket No. MC 123883 (Sub-No. 1), was assigned for hearing at the above time and place, in error. The purpose of this republication is to advise that the issues to be heard at the hearing December 6, 1961, are those contained in docket No. MC 123883 as outlined above. The issues in the proceeding No. MC 123883 (Sub-No. 1) will be assigned for hearing at a later date.

No. MC 123898, filed August 25, 1961. Applicant: LEONARD J. MORIN, doing business as MORIN'S AUTO BODY SHOP, 188 Warren Avenue, Portland, Maine. Applicant's attorney: William D. Pinansky, 403–4–5 Clapp Memorial Building, 433 Congress Street, Portland, Maine. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, tractors, trailers* and *motor vehicles*, wrecked and disabled, by use of wrecker equipment, between points in Maine, on the one hand, and, on the other, points in New Hampshire and Massachusetts.

HEARING: December 14, 1961, at the Senate Chamber, State House, Augusta, Maine, before Joint Board No. 69.

No. MC 123912, filed August 31, 1961. Applicant: CICERO CENTRAL AUTO TOWING CO., a corporation, 3515 South 55th Court, Cicero, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Disabled automotive vehicles*, and (2) *replacement vehicles*, between Chicago, Ill., and points in the Commercial Zone thereof as defined by the Commission, on the one hand, and, on the other, points in Indiana, Michigan, Wisconsin, Illinois, and Iowa.

HEARING: December 6, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Hugh M. Nicholson.

No. MC–123939, filed September 20, 1961. Applicant: ROBERT B. WEST, Turnpike Road, Somers, Conn. Applicant's representative: Arthur M. Marshall, 145 State Street, Springfield 3, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing and heating supplies and equipment*, between Boston, Mass., on the one hand, and, on the other, points in Maine on, north and east of a line as follows: Beginning at Rockland, Maine, thence west along U.S. Highway 1 to the junction with Maine Highway 32 near Waldoboro, Maine, thence north along Maine Highway 32 to Waterville, Maine, thence west along Maine Highway 137 through Oakland, Maine, to the junction with Maine Highway 27 at Rome Corner, Maine, thence north along Maine Highway 27 to the Port of Entry on the International Boundary Line between the United States and Canada at or near Coburn Gore, Maine.

NOTE: Applicant states the proposed service will be under a continuing contract with Samuel Hurwitz Co., Boston, Mass. Applicant proposes to transport *exempt commodities and sawdust shavings* as a private carrier.

HEARING: December 8, 1961, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 69.

MOTOR CARRIERS OF PASSENGERS

No. MC 52362 (Sub-No. 3), filed July 17, 1961. Applicant: MARINEL TRANSPORTATION, INC., 15 Groton Street (North), Chelmsford, Mass. Applicant's attorney: Frank Daniels, 11 Beacon Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special round-trip operations, who at the time are traveling for the purpose of participating in Beano and Bingo games, beginning and ending in Chelmsford, Lowell, and Dracut, Mass. and extending to Salem and Goffs Falls, N.H.

HEARING: December 6, 1961, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 20.

No. MC 61016 (Sub-No. 15), filed October 9, 1961. Applicant: PETER PAN BUS LINES, INC., 144 Bridge Street, Springfield, Mass. Applicant's representative: William L. Mobley, Rooms 311–315, 1694 Main Street, Springfield, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special round-trip seasonal operations, between May 1 and November 1 of each year, from Springfield, Chicopee, Holyoke, Northampton, and Amherst, Mass., to Hinsdale Raceway, Hinsdale, N.H., and return.

HEARING: December 11, 1961, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 20.

No. MC 120075 (Sub-No. 1), filed July 17, 1961. Applicant: THE TACOMA SUBURBAN LINES, INC., P.O. Box 117—Building 2197, Fort Lewis, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) *Passengers and their baggage* and *express* in the same vehicle with passengers, between Tacoma, Wash., and Fort Lewis, Wash.; from Tacoma over U.S. Highway 99 to Fort Lewis, and return over the same route, serving all intermediate points on U.S. Highway 99, and the off-route points of McChord Field and Madigan Army Hospital. (2) *Passengers and their baggage* in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points in Pierce and Thurston Counties, Wash., and extending to points in Washington including Ports of Entry on the International Boundary between the United States and Canada, and points in Oregon.

NOTE: Applicant is expected to specifically name the roads, or highways to be used in serving McChord Field and Madigan Army Hospital at the hearing.

HEARING: December 6, 1961, at the Federal Office Building, Seattle, Wash., before Joint Board No. 45, or, if the Joint Board waives its right to participate before Examiner Armin G. Clement.

No. MC 123860, filed August 8, 1961. Applicant: ANTHONY RANA, EMILIO CANZANO, JOSEPH CANZANO, JOHN CANZANO, doing business as, AL LIMOUSINE SERVICE, 3 Southgate Place, Worcester, Mass. Applicant's attorney: John F. Keenan, 332 Main Street,

Worcester 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, without baggage, in special service, between Worcester, Mass., on the one hand, and, on the other, Pawtucket, Central Falls, Providence, Valley Falls, R.I., and Salem and Salem Depot, N.H.

HEARING: December 5, 1961, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 190.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12766 (CORRECTION AND CLARIFICATION), filed August 28, 1961, published FEDERAL REGISTER, issue of October 18, 1961, republished as corrected and clarified this issue. Applicant: ELLIOTT C. SCHUBINER AND JARED M. SCHUBINER, a partnership, doing business as AMERICANA TOURS, 19663 Livernois, Detroit 21, Mich. For a license (BMC 5) to engage in operations as a *broker* at Detroit, Mich., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *Passengers and their baggage*, in the same vehicle with passengers, both as individuals and groups, in round-trip special and charter all-expense conducted sightseeing and pleasure tours, between points in the United States, including Ports of Entry located on the International Boundary lines between the United States-Canada-Mexico.

NOTE: This republication corrects the previous publication and clarifies the territory proposed to be served erroneously set forth in the previous notice of filing.

HEARING: Remains as assigned November 27, 1961, at the Federal Building, Lansing, Mich., at 1:00 p.m., before Joint Board No. 76.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 61231 (Sub-No. 13), filed October 20, 1961. Applicant: ALKIRE TRUCK LINES, INC., Livestock Exchange Building, Kansas City, Mo. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, including road building materials, structural steel, and tanks*, in truckloads, from Chicago and Cicero, Ill., and Gary, Ind., and points in the commercial zones of each, to Kansas City, Mo. and points in the commercial zone thereof.

NOTE: Applicant states it presently holds the authority in Certificates MC 61231 Sub Nos. 6 and 8 necessitating using gateway Marshalltown, Iowa. The purpose of this application is to make available additional routes.

No. MC 66562 (Sub-No. 1850), filed October 18, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Railway Express Agency, Inc., Law Department, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, moving in express service, between Westminster, Md., and Westminster, Md., in a circuitous manner, as follows: From Westminster over Maryland Highway 27 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction Maryland Highway 32, thence over Maryland Highway 32 to Sykesville, Md., thence continue over Maryland Highway 32 to junction Maryland Highway 26, thence over Maryland Highway 26 to junction Maryland Highway 97, thence over Maryland Highway 97 to Westminster, and return over the same route, serving the intermediate point of Mount Airy, Md. RESTRICTIONS: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt.

NOTE: Applicant states that interchange with rail and air express service will be made at Baltimore, Md. Applicant further states that the proposed service will be operated in connection with its presently authorized operations between Baltimore, Md., and Hagerstown, Md., as authorized in MC 66562 (Sub-No. 1360), issued November 5, 1957.

No. MC 103051 (Sub-No. 117), filed October 23, 1961. Applicant: WALKER HAULING CO., INC., P.O. Box 13444 Station K, 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar, and blends of corn syrup and liquid sugar*, in bulk, in tank vehicles, from points in Hamilton County, Tenn., to points in Alabama, Georgia, North Carolina, and South Carolina.

NOTE: Applicant states that M. J. Baggett of Atlanta, Ga., owns all of the outstanding stock of Applicant. He also owns 50 percent of the outstanding stock of Gasoline Transport, Inc., the other 50 percent being owned by R. L. Walker of Waycross, Ga., Mr. Baggett is president of both applicant and Gasoline Transport, Inc.

No. MC 103051 (Sub-No. 118), filed October 23, 1961. Applicant: WALKER HAULING CO., INC., P.O. Box 13444 Station K, 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oils, fats and greases* (except petroleum) in bulk, in tank vehicles, from Macon, Ga., to Chicago, Ill., Dayton, Ohio, and Indianapolis, Ind.

NOTE: Applicant states that M. J. Baggett of Atlanta, Ga., owns all of the outstanding stock of applicant. He also owns 50 percent of the outstanding stock of Gasoline Transport, Inc., the other 50 percent being owned by R. L. Walker of Waycross, Ga., Mr. Baggett is president of both applicant and Gasoline Transport, Inc.

No. MC 109881 (Sub-No. 4), filed October 19, 1961. Applicant: RICHARD TRUCKING COMPANY, INC., P.O. Box 277, Bradley Beach, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Monmouth and Ocean Counties, N.J., on the one hand, and, on the other, points in Middlesex County, N.J.

NOTE: Applicant states the proposed operation is restricted to the delivery to or receipt from connecting carriers of interline traffic which has originated at or is destined to points beyond Middlesex County, N.J.

No. MC 112668 (Sub-No. 23), filed October 18, 1961. Applicant: HARVEY R. SHIPLEY & SONS, INC., Finksburg, Md. Applicant's representative: Donald E. Freeman, 97 Uniontown Road, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Superphosphate*, granulated and pulverized, in bulk, from Baltimore, Md., to Lyons, N.Y.

No. MC 113832 (Sub-No. 57), filed October 20, 1961. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, 620 South 29th Street, Milwaukee 46, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank vehicles, from the plant site of the Kansas Power & Light Co., at LaDue, Mo., to the John Redmond Dam Site, six (6) miles northwest of Burlington, Kans., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified above, on return.

NOTE: Applicant states "the proposed service is to be performed under a contract with the H. B. Zachry Company". Also "is under common control with SCHWERMAN TRUCKING CO. of Ohio and SCHWERMAN CO. of Pa., Inc. which was approved by the Commission May 29, 1951, MC–F–4632; SCHWERMAN TRUCKING CO., of Indiana, INC., approved February 8, 1955, MC–F–5793; SCHWERMAN TRUCKING CO. of Ill., Inc., approved January 17, 1957, MC–F–6124; SCHWERMAN TRUCKING CO. of Texas, approved July 6, 1959, MC–F–6834; and SCHWERMAN TRUCKING CO. of N.Y. INC., approved January 11, 1960, MC–F–6963."

No. MC 116967 (Sub-No. 2), filed October 16, 1961. Applicant: MARTIN WONDAAL, Doing business as MARTIN WONDAAL AND SONS, 2857 Ridge Road, Lansing, Ill. Applicant's attorney: Samuel Ruff, 2109 Broadway, East Chicago, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glazed cement and slag blocks and related articles and materials used in the manufacture thereof*, handled on special equipment, from points in the Chicago, Ill., Commercial Zone to points in Indiana, Iowa, Wisconsin, and Missouri, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

No. MC 117165 (Sub-No. 10), filed October 23, 1961. Applicant: C. J. DAVIS, doing business as ST. LOUIS FREIGHT LINES, 1000 Michigan Avenue, St. Louis, Mich. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper bags, labels,* and *knocked down paper boxes* when transported with shipments of *salt*, said lading not to exceed 10 percent of the aggregate weight of the shipment, from St. Clair, Mich., to Akron, Ohio, and *damaged, rejected and refused shipments*, on return.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 246), filed October 16, 1961. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Barrett Elkins, Eastern Greyhound Lines, 1400 West Third Street, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip special operations, beginning and ending at Steubenville, Ohio, and Wheeling and Weirton, W. Va., and extending to the Waterford Park Race Track (approximately 6.5 miles from Chester, W. Va.)

NOTE: Applicant indicates the proposed operations will be seasonal during the respective racing seasons of each year.

No. MC 1501 (Sub-No. 247), filed October 18, 1961. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Peter K. Nevitt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers, and mail* in the same vehicle with passengers; (1) Between Macon, Ga., and Junction Interstate Highway 75 and U.S. Highway 90 at or near Lake City, Fla., from Macon over Interstate Highway 75 to Junction U.S. Highway 90 at or near Lake City, and return over the same route, serving all intermediate points; (2) between Junction Interstate Highway 75 and Georgia Highway 257 easct of Cordele, Ga. and Junction Interstate Highway 75 and U.S. Highway 280 near Cordele, from Junction Interstate Highway 75 and Georgia Highway 257 east of Cordele, over Georgia Highway 257 to Cordele, thence over U.S. Highway 280 to Junction Interstate 75, and return over the same route, serving all intermediate points; (3) between Junction Interstate Highway 75 and U.S. Highway 82 west of Tifton, Ga., and Tifton, Ga., from Junction Interstate Highway 75 and U.S. Highway 82 west of Tifton, over U.S. Highway 82 to Tifton, and return over the same route, serving all intermediate points; (4) between Junction Interstate Highway 75 and Georgia Highway 94 near Valdosta, Ga. and Junction Georgia Highway 94 and U.S. Highway 84 at or near Valdosta, from Junction Interstate Highway 75 and Georgia Highway 94, over Georgia Highway 94 to Junction U.S. Highway 84, and return over the same route, serving all intermediate points; and (5) between Junction Interstate Highway 75 and U.S. Highway 84 and Valdosta, Ga., from Valdosta over U.S. Highway 84 to its junction with Interstate Highway 75, and return over the same route, serving all intermediate points.

No. MC 1501 (Sub-No. 248), filed October 18, 1961. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Peter K. Nevitt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers, and mail*, in the same vehicle with passengers, between Jacksonville, Fla., and junction Interstate Highway 10 and U.S. Highway 90 approximately 3 miles west of Sanderson, Fla.; from Jacksonville over Interstate Highway 10 to junction Interstate Highway 10 and U.S. Highway 90 approximately 3 miles west of Sanderson, and return over the same route, serving all intermediate points.

No. MC 1501 (Sub-No. 249), filed October 18, 1961. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Peter K. Nevitt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers and mail*, in the same vehicle with passengers, between junction U.S. Highway 78 and Alabama Highway 4 approximately 1 mile east of Jasper, Ala., and Hamilton, Ala.; from junction U.S. Highway 78 and Alabama Highway 4 approximately 1 mile east of Jasper, over Alabama Highway 4 to Hamilton, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's presently authorized regular-route operations.

No. MC 116005 (Sub-No. 4), filed October 20, 1961. Applicant: ONONDAGA COACH CORP., 23 Wadsworth Street, Auburn, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park (P.O. Box 25), Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers; (1) Between Syracuse, N.Y., and Fairmount, N.Y., from Syracuse over New York Highway 5 to Fairmount and return over the same route, serving all intermediate points; (2) between Junction New York Highway 96A and U.S. Highway 20 east of Geneva, N.Y., and Geneva, N.Y., from Junction New York Highway 96A and U.S. Highway 20, over U.S. Highway 20 to Geneva, and return over the same route, serving all intermediate points; (3) between Port Byron, N.Y., and Syracuse, N.Y., from Port Byron over New York Highway 31 to Junction New York Highway 173, thence over New York Highway 173 through Warners, N.Y. to Fairmount, N.Y., thence over New York Highway 5 to Syracuse, and return over the same route, serving all intermediate points; (4) between Port Byron, N.Y., and Auburn, N.Y., from Port Byron over New York Highway 38 to Auburn, and return over the same route, serving all intermediate points; (5) between Junction Howlett Hill Road and Kasson Road located in Onondaga County, N.Y., and Syracuse, N.Y., from the junction of Howlett Hill Road and Kasson Road, over Kasson Road to Junction New York Highway 5 and Kasson Road, thence over New York Highway 5 to Syracuse, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's present regular-route operations; (6) between Onondaga Hill, N.Y., and Syracuse, N.Y., from Onondaga Hill over New York Highway 173 to Junction New York Highway 5 and New York Highway 173, thence over New York Highway 5 to Syracuse, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's present regular-route operations.

NOTICE OF FILING OF PETITIONS

No. MC 5483 (PETITION FOR WAIVER OF RULE 101(e) OF THE GENERAL RULES OF PRACTICE AND PETITION TO REOPEN AND AMEND CERTIFICATE), filed October 3, 1961. Petitioner: ELK TRANSPORTATION COMPANY, INC., 916 Grand Street, Brooklyn, N.Y. Petitioner's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. By Certificate No. MC 5483 dated December 10, 1940, petitioner is authorized to transport: *General commodities* (except those of unusual value, and except dangerous explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings") commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), over irregular routes, between New York, N.Y., on the one hand, and, on the other, points and places in Essex, Passaic, Morris, Bergen, Hudson, and Union Counties, N.J.. By petition dated October 2, 1961, petitioner requests the Commission reopen the proceeding MC 5483 and reissue the Certificate to include therein authority to transport *glass and glass articles*, between New York, N.Y., and points on Long Island, N.Y. Applicant has also tendered simultaneously with the filing of the subject petition an application for extension of the authority recited above. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of the notice of filing of this petition as published in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 7166 (PETITION FOR WAIVER OF RULE 1.101(e) OF THE GENERAL RULES OF PRACTICE AND FOR REOPENING, RECONSIDERATION AND MODIFICATION OF A PORTION OF THE ORDER OF MAY 9, 1955), dated August 28, 1961. Petitioner: CHARLES B. WILSON, CHARLES D. WILSON and ELEANOR KAGY, a

partnership, doing business as WILSON TRANSPORTATION SERVICE, Ottawa, Ohio. Petitioner's attorneys: Noel F. George and John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. By petition dated August 28, 1961, petitioner advises that the problem which gives rise to the instant petition is the language of petitioner's certificate describing petitioner's general commodity (usual exceptions) authority as "Between Holgate, Ohio, Ottawa, Ohio, points and places within two miles of Holgate, and points and places within fifteen miles of Ottawa, on the one hand, and, on the other, points and places within 200 miles of Ottawa in Indiana, Illinois, Kentucky, Ohio, Pennsylvania, Michigan, and West Virginia." Petitioner requests the Commission reopen the proceedings and reissue the Certificate so as to authorize transportation as follows: *"General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, commodities in bulk, and those requiring special equipment: Between Holgate, Ohio, Ottawa, Ohio and points and places within two miles of Holgate, and points and places within fifteen miles of Ottawa, on the one hand, and, on the other, Chicago, Illinois, Terre Haute, Indiana, Frankfort and Lexington, Kentucky, Huntington, West Virginia, Pittsburgh, Pennsylvania, Gladwin and Muskegon, Michigan, and points and places within 200 miles of Ottawa, Ohio, in the States of Indiana, Illinois, Kentucky, Ohio, Pennsylvania, Michigan, and West Virginia, including points on said 200-mile radius line." Any person or persons desiring to oppose the relief sought, may, within 30 days from this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or pasesngers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with the respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–7961. (WOODWORTH & SONS, INC. — PURCHASE — A. A. STOUT AND R. C. STOUT), published in the September 7, 1961, issue of the FEDERAL REGISTER on page 8432. Supplement filed October 19, 1961, to show joinder of ALFRED WOODWORTH, CHARLES WOODWORTH and RICHARD WOODWORTH, all of P.O. Box 546, Tolono, Ill., as persons in control of WOODWORTH & SONS, INC.

No. MC–F–7984. Authority sought for purchase by BLUE ARROW-DOUGLAS, INC., 525 Burton Street SW., Grand Rapids, Mich., of the operating rights and certain property of BLUE ARROW TRANSPORT LINES, INC., 525 Burton Street SW., Grand Rapids, Mich., and DOUGLAS TRUCKING LINES, INC., 1011 East Main Street, Owosso, Mich., and for acquisition by C. B. THOMPSON, J. L. THOMPSON, both of 525 Burton Street SW., Grand Rapids, Mich., O. R. WINTERS, 2501 South Paulina Street, Chicago, Ill., JAMES E. DOUGLAS, JR., and H. L. DOUGLAS, both of 1011 East Main Street, Owosso, Mich., of control of such rights and property through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago 3, Ill. Operating rights sought to be transferred (BLUE ARROW TRANSPORT LINES, INC.): *General commodities,* as a *common carrier,* over a regular route, between Benton Harbor, Mich., and Flint, and Saginaw, Mich.; *general commodities,* excepting, among others, household goods and commodities in bulk, between Bay City, Mich., and Chicago, Ill., serving all intermediate and certain off-route points, between Traverse City, Mich., and Chicago, Ill., serving certain intermediate and off-route points, between Traverse City, Mich., and Manistee, Mich., serving the intermediate point of Cadillac, Mich., between Saginaw, Mich., and junction Michigan Highways 13 and 78, between Kalamazoo, Mich., and Chicago, Ill., serving certain intermediate and off-route points, between New Buffalo, Mich., and Jackson, Mich., between Niles, Mich., and Jackson, Mich., serving all intermediate and certain off-route points, between Coldwater, Mich., and Tokonsha, Mich., between Three Rivers, Mich., and the Michigan-Indiana State line, serving all intermediate points ,between Kalamazoo, Mich., and Jackson, Mich., between Niles, Mich., and Kalamazoo, Mich., between Decatur, Mich., and Benton Harbor, Mich., serving all intermediate and certain off-route points, between Marshall, Mich., and Tekonsha, Mich., between Plainwell, Mich., and Three Rivers, Mich., serving all intermediate points, between Battle Creek, Mich., and Niles, Mich., serving all intermediate and certain off-route points, and between Flint, Mich., and Grand Blanc, Mich., serving certain off-route points, over several alternate routes for operating convenience only; *canned goods,* from Onekama, Mich., to Louisville, Ky., serving the intermediate point of Scottville, Mich., *paper and paper products,* from Filer City, Mich., to Ottawa, Ill., serving the intermediate point of Morris, Ill.; *paper and paper products,* over irregular routes, from Otsego and Plainwell, Mich., to Chicago, Cicero, Joliet, and Aurora, Ill., from Kalamazoo, Mich., to Joliet, and Rockford, Ill., from Vicksburg, Mich., to Chicago, Ill., and from Watervliet, Mich., to Chicago, and St. Charles, Ill., and Hammond, Ind., *scrap paper,* from Chicago, and Cicero, Ill., to Otsego, Plainwell, and Watervliet, Mich.; *alum,* from Joliet, and Chicago Heights, Ill., to Kalamazoo, Otsego and Watervliet, Mich.; *casein,* from Chicago, Ill., to Watervliet, and Otsego, Mich.; *petroleum products,* from Whiting, Ind., to Battle Creek, Mich.; dried whey, in bulk, from Pinconning, Mich., to Riverdale, Ill. (DOUGLAS TRUCKING LINES, INC.): *General commodities,* as a *common carrier* over regular routes, between Saginaw, Mich., and Chicago, Ill., serving certain intermediate and off-route points; *general commodities,* excepting, among others, household goods and commodities in bulk, between Bay City, Mich., and Detroit, Mich., between Flint, Mich., and Lansing, Mich., serving certain off-route points, between Flint, Mich., and Ann Arbor, Mich., serving all intermediate points, between Ann Arbor, Mich., and the site of the Scio, Mich., plant of the King-Seeley Corp., and between Chicago, Ill., and Detroit, Mich., serving the intermediate points of Ann Arbor, and Kalamazoo, Mich., unrestricted, and all intermediate and off-route points in the Chicago, Ill., Commercial Zone, as defined by the Commission, restricted to traffic moving to or from Ann Arbor, Kalamazoo, and Detroit, Mich., between Chicago Heights, Ill., and junction U.S. Highway 12 and U.S. Highway 421, at or near Michigan City, Ind., as an alternate route for operating convenience only, in connection with carrier's regular route operations; *empty vehicles,* used in conducting operations otherwise authorized, between Pontiac, Mich., on the one hand, and, on the other, junction Michigan Highway 59 and U.S. Highway 23, and between Ann Arbor, Mich., on the one hand, and, on the other, Detroit, Mich.; *general commodities,* excepting, among others, household goods and commodities in bulk, over irregular routes, between Chicago, Ill., on the one hand, and, on the other, Chicago Heights, Ill., and points other than Chicago in the Chicago, Ill., Commercial Zone as defined in 1 M.C.C. 673. Vendee holds no authority from this Commission. However its controlling stockholders are affiliated with the vendors herein. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–7985. Authority sought for purchase by LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P.O. Box 310, Fremont, Nebr., of the operating rights of NEIL B. OLMSTED, E. B. OLMSTED, and ALVIN H. ANDERSON, a partnership, doing business as REFRIGERATED TRUCK LINES, Route 3, Box 147, Mont Vernon, Wash., and PACIFIC EASTERN REFRIGERATED LINES, INC., Route 3, Box 147, Mount Vernon, Wash., and for acquisition by MIDWEST TRANSFER COMPANY OF ILLINOIS, MIDWEST EMERY FREIGHT SYSTEM, INC., and in turn by MILTON D. RATNER, all of 7000 South Pulaski Road, Chicago, Ill., of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago 3, Ill. Operating rights sought to be transferred (REFRIGERATED TRUCK LINES): *Frozen fruits, frozen berries, and frozen vegetables,* as a *common carrier* over irregular routes, from and to certain points in Washington, Illinois, Iowa, Michigan, Minnesota, Nebraska, Wisconsin, California, Oregon, and Utah. (PACIFIC EASTERN REFRIGERATED LINES, INC.): *Fresh and cured meats, and lard,* as a *common carrier* over irregular routes, from Rapid City, S. Dak., to Seattle, Wash., and points within 50 miles of Seattle; *fresh fruits and fresh vegetables,* from San Francisco, and Los Angeles, Calif., and Seattle, Wash., and points within 50 miles of each, to Rapid City, S. Dak., restriction: Service shall be

restricted to shipments moving between Rapid City, S. Dak., on the one hand, and, on the other, the described points in California and Washington; *meat, meat products, and meat by-products, dairy products,* and *articles distributed by meat-packing houses,* as defined in Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, 766, from Rapid City, S. Dak., to Las Vegas, and Reno, Nev., and points in California. Vendee is authorized to operate as a *common carrier* in Kansas, New Mexico, Arizona, California, Texas, Colorado, Illinois, Minnesota, Nebraska, South Dakota, Nevada, Missouri, Iowa, Oklahoma, Oregon, Washington, Michigan, Wisconsin, Montana, Kentucky, and Indiana. Application has been filed for temporary authority under section 210a(b).

No. MC-F-7986. Authority sought for merger into SITES SILVER WHEEL FREIGHTLINES, INC., 1321 Southeast Water Avenue, Portland, Oreg., of the operating rights and property of WRIGHT TRUCK LINE CO., 1321 Southeast Water Avenue, Portland, Oreg., and for acquisition by HERMAN O. SITES, also of Portland, of control of such rights and property through the transaction. Applicants' attorney: William B. Adams, 624 Pacific Building, Portland 4, Oreg. Operating rights sought to be merged: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Portland, Oreg., and Dallas, Oreg., between Salem, Oreg., and Scio, Oreg., serving all intermediate and certain off-route points, and between Stayton, Oreg., and West Stayton, Oreg., serving no intermediate points; *general commodities,* between Salem, Oreg., and Idanha, Oreg., serving all intermediate points, without restriction; and the off-route point of Turner, Oreg., restricted against the pickup and delivery of commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, *general commodities,* except petroleum products, in bulk, between Portland, Oreg., and Salem, Oreg., serving all intermediate points. SITES SILVER WHEEL FREIGHTLINES, INC., is authorized to operate as a *common carrier* in Oregon and Washington. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-10385; Filed, Oct. 31, 1961; 8:51 a.m.]

[Notice 7]

APPLICATIONS FOR "GRANDFATHER" ALASKA CERTIFICATE OR PERMIT AND HAWAII FREIGHT FORWARDER PERMIT

OCTOBER 27, 1961.

Under sections 206(a)(4), 206(a)(5), 209(a)(4), 209(a)(5), 309(a), 309(f), 410(a)(2), and 410(a)(3) of the Interstate Commerce Act, as amended July 12, 1960.

Section 1.243 of the Commission's special rules of practice have been amended to cover "grandfather" applications filed under the July 12, 1960, amendments.

Protests to the granting of an application must be filed with the Commission within 75 days of this publication in the FEDERAL REGISTER. A copy of the protest must be served on applicant's representative or on applicant if no practitioner represents him. The special rules provide further that failure to file a timely protest will be construed as a waiver of opposition and participation in the proceeding.

MOTOR CARRIER ALASKA "GRANDFATHER" RIGHTS

No. MC 123313 (CORRECTION), filed December 23, 1960, published issue of March 8, 1961, and republished as corrected this issue. Applicant: JESSE ORME, doing business as ORME TRANSFER COMPANY, 535 Willoughby Avenue, Juneau, Alaska. The purpose of this republication is to correctly reflect the status of applicant which is that of an individual, doing business under the trade name as shown above. The previous publication inadvertently failed to designate applicant's entity as an individual.

FREIGHT FORWARDER HAWAII "GRANDFATHER" RIGHTS

No. FF-291 (Sub-No. 1) (CORRECTION AND REPUBLICATION), filed December 30, 1960, published FEDERAL REGISTER, issue of March 8, 1961, as a motor carrier application, in error, republished correctly this issue as a freight forwarder. Applicant: SECURITY VAN LINES, INC., 120 West Airline Highway, Kenner, La. Applicant's attorney: Carll V. Kretsinger, Suite 1014-18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *freight forwarder,* under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *Household goods,* as defined by the Commission, between points in Hawaii, on the one hand, and, on the other, points in the Continental United States.

NOTE: Applicant also claims "grandfather" rights as a motor carrier. See MC 8768 (Sub-No. 25), and as a freight forwarder, Alaska, FF-291. The subject application as originally filed was "timely" filed under the provisions of the "grandfather" clause of the Alaska-Hawaii amendments to the Act. Notice of the filing, however, was incorrectly set forth in the previous publication and indicated that motor carrier operations involving Hawaii were sought, in error. The docket number erroneously assigned, MC 8768 (Sub-No. 24) has been cancelled and the operations correctly set forth as a freight forwarder.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-10383; Filed, Oct. 31, 1961; 8:51 a.m.]

[Notice 561]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 27, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64299. By order of October 24, 1961, the Transfer Board approved the transfer to Days Moving & Storage, Inc., Elkhart, Ind., of a portion of the operating rights in Certificate No. MC 2989 Sub 1, issued March 11, 1948, and a portion of the operating rights in Certificate No. MC 2989 Sub 26, issued June 30, 1958, to Days Transfer, Inc., Elkhart, Ind., authorizing the transportation of: Heavy machinery, between points in Illinois, Indiana, and Michigan, within 75 miles of Valparaiso, Ind., including Valparaiso; between Elkhart, Ind., on the one hand, and, on the other, Toledo, Ohio, and Three Rivers and Constantine, Mich.; and, Household goods, between points in Elkhart, Ind., on the one hand, and, on the other, points in Ohio, Michigan, and Illinois. Homer E. Bradshaw, 510 Central National Building, Des Moines 9, Iowa, attorney for applicants.

No. MC-FC 64536. By order of October 24, 1961, the Transfer Board approved the transfer to Walter Rowan, Jamestown, N.Y., of Certificate No. MC 111293, issued June 6, 1950, to Glenn Alderman, Hornell, N.Y., authorizing the transportation of: Salt, over irregular routes, from Watkins Glen and Retsof, N.Y., to points in Potter, Crawford, McKean, Warren, and Erie Counties, Pa. Kenneth T. Johnson, Johnson, Peterson, Tener & Anderson, Bank of Jamestown Building, Jamestown, N.Y., attorney for applicants.

No. MC-FC 64543. By order of October 24, 1961, the Transfer Board approved the transfer to Tiede Truck Line, Inc., 101 North 12th Street, Herington, Kans., of Certificate No. MC 42171, issued August 16, 1943, to James Rolland Goodman, Rome Rolland Goodman, James Oltman Goodman, and Overton Goodman, a partnership, doing business as J. R. Goodman and Sons, R.F.D. No. 3, White City, Kans., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between White City, Kans., and Kansas City, Mo.; and household goods as defined by the Commission, over irregular routes, between White City and Dwight, Kans., on the one hand, and, on the other, Kansas City, Mo., and Kansas City, Kans.

No. MC–FC 64544. By order of October 19, 1961, the Transfer Board approved the transfer to Samuel W. Feldman, Everett J. Nash and Robert M. Viviano, a partnership, doing business as Ludlow Associates, Yonkers, N.Y., of Permit No. MC 111721, issued July 29, 1952, to Samuel W. Feldman, Raymond L. Michel, Everett J. Nash, and Robert W. Viviano, a partnership, doing business as Ludlow Associates, Yonkers, N.Y., authorizing the transportation of: Drugs, medicines, toilet preparations, and drug sundries, and display material, over irregular routes, from Yonkers, N.Y., to points in Rockland County, N.Y., and points in Connecticut within 50 miles of Yonkers, N.Y., and empty containers and damaged, defective, returned, or rejected shipments, over irregular routes, from the above-specified destination points to Yonkers, N.Y. Richard R. Schwartz, 15 West 44th Street, New York 36, N.Y., attorney for applicants.

No. MC–FC 64551. By order of October 19, 1961, the Transfer Board approved the transfer to Jennings Bond, doing business as Bond Enterprises, Lutesville, Mo., of Certificate No. MC 116989, issued July 28, 1958, to Amel E. Tropf, doing business as Tropf Truck Service, Advance, Mo., authorizing the transportation of fertilizer and feed, in bags, from East St. Louis, Ill., to Advance, Mo. A. A. Marshall, 305 Buder Building, St. Louis 1, Mo., representative for applicants.

No. MC–FC 64554. By order of October 19, 1961, the Transfer Board approved the transfer to Richard Dahn, Inc., Sparta, N.J., of a portion of Certificate No. MC 9359, issued March 27, 1941, to Edgar G. Mitchell, Media, Pa., authorizing the transportation over irregular routes of animal and poultry feed, hay, and straw between points in Delaware, New Jersey, specified points in Maryland, Pennsylvania, and New York; lumber and logs, from Ford, Va., to Philadelphia and Minersville, Pa., and points within 15 miles of Minersville; from points in that part of Cecil County, Md., west of the Susquehanna River and those in Hartford County, Md., to Swedesboro and Pitman, N.J., and points in Kent County, Del., and Chester County, Pa.; and firewood, from points in that part of Maryland, on and east of U.S. Highway 15, to Philadelphia, Pa., and points on and south of U.S. Highway 30 within 25 miles of Philadelphia. James J. Farrell, 201 Montague Place, South Orange, N.J., representative for transferee.

No. MC–FC 64558. By order of October 19, 1961, the Transfer Board approved the transfer to Thomas Holmes, doing business as Garnett Truck Line, Garnett, Kans., of Certificate No. MC 7127, issued March 24, 1960, to Thomas Holmes and Donald Couture, a partnership, doing business as Garnett Truck Line, Garnett, Kans., authorizing the transportation of general commodities, excluding household goods, over regular routes, between Garnett, Kans., and Kansas City, Mo., serving intermediate point of Kansas City, Kans., and off-route point of North Kansas City, Mo.; from Kansas City, Mo., to Garnett, Kans., serving no intermediate points; twine, parts for agricultural implements and grease, in containers, from Kansas City, Mo., to Richmond, Kans.; feed, agricultural implements and wire, from Kansas City, Mo., to Williamsburg, Kans., serving the off-route point of Westphalia, Kans.; livestock, from Harris, Kans., to Kansas City, Mo.; from Harris to Garnett, Kans.; general commodities, excluding household goods, from Kansas City, Mo., to Harris, Kans., serving intermediate and off-route points of Kansas City, Kans., without restriction, and those within 12 miles of Harris, restricted to livestock; livestock, agricultural commodities and farm machinery, over irregular routes, from Garnett, Kans., and points within 15 miles of Garnett, to Kansas City, Kans., and Kansas City, Mo.; and livestock, fertilizer, feed, agricultural commodities, lumber, farm machinery and parts, from Kansas City, Mo., and Kansas City, Kans., to Garnett, Kans., and points within 15 miles of Garnett.

No. MC–FC 64567. By order of October 19, 1961, the Transfer Board approved the transfer to L. H. Curtis Moving & Storage, Inc., Whitesboro, N.Y., of Certificate No. MC 14033, issued February 23, 1960, to Edward James Godemann, doing business as Curtis Moving and Storage Company, Whitesboro, N.Y., authorizing the transportation of household goods, as defined by the Commission, over irregular routes, between Utica, N.Y., and points within 35 miles thereof, on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania. John R. Tenney, 120 Mayro Building, Utica, N.Y., attorney for applicants.

No. MC–FC 64580. By order of October 19, 1961, the Transfer Board approved the transfer to John R. Loomis, Granville, N.Y., of Certificate No. MC 21846, issued March 24, 1949, to Dorothy B. Vogel, doing business as Sims Freight Service, Granville, N.Y., authorizing the transportation of metal blanks and stampings, between Granville, N.Y., and Middletown, Conn.; slate, and slate products, over irregular routes, from Granville, N.Y., and Bangor, Pa., and points within 15 miles of each, to points in New York, Vermont, New Hampshire, Connecticut, Massachusetts, Rhode Island, New Jersey, Pennsylvania, Maryland, and the District of Columbia; from Salem, N.Y., and Fair Haven, Poultney, Rupert, West Pawlet, and West Rutland, Vt., to Peterboro, N.H., points in Connecticut, Massachusetts, New York, Vermont, New Jersey, and Rhode Island; grain and grain products from Baltimore, Md., Carteret, N.J., and Albany, N.Y., to Granville, N.Y., and points within 15 miles of Granville; fertilizer, from Carteret, N.J., to points in Vermont, and those in Washington, Rensselaer, Albany, Schenectady, Montgomery, Saratoga, and Warren Counties, N.Y.; and from Baltimore, Md., to Granville, N.Y., and points within 15 miles of Granville; lime, from Adams, Mass., to Granville, N.Y., and points within 15 miles of Granville; from Rutland, Vt., to points in the above-specified N.Y. Counties, and through New York to points in Bennington and Rutland Counties, Vt.; lumber and logs, from points in New Hampshire and Vermont, to Granville, N.Y.; and petroleum products (not including gasoline), in containers, from Bayonne, N.J., to Granville, N.Y. Martin Werner, 2 West 45th Street, New York 36, N.Y., attorney for transferee, and Albert Berkowitz, Granville, N.Y., attorney for transferor.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–10386; Filed, Oct. 31, 1961; 8:51 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 27, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37424: *Brick from and to WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A–2212), for interested rail carriers. Rates on brick and related articles, in carloads, from Rockford, Iowa, Chaska, Osseo and Roseville, Minn., Havelock and South Omaha, Nebr., and Eau Claire, Wis., to points in western trunk-line territory.

Grounds for relief: Market competition, and short-line distance formula.

Tariff: Supplement 37 to Western Trunk Line Committee tariff I.C.C. A–4338.

FSA No. 37425: *Fertilizers from southern territory to IFA and WTL territories.* Filed by O. W. South, Jr., Agent (No. A4138), for interested rail carriers. Rates on fertilizers and fertilizer materials, and superphosphate, in carloads, from points in southern territory, also Helena, Ark., to points in Illinois and western trunk-line territories.

Grounds for relief: Market competition.

Tariffs: Supplements 105, 26 and 4 to Southern Freight Association tariffs I.C.C. 1522, S–128 and S–184, respectively.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37423: *Commodities between points in Texas.* Filed by Texas Louisiana Freight Bureau, Agent (No. 421), for interested rail carriers. Rates on zinc concentrates, in carloads, from, to and between points in Texas, over interstate route through adjoining States.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 17 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–10382; Filed, Oct. 31, 1961; 8:51 a.m.]